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NEGOTIATING CULTURES

Bilingual Surrender Treaties in Muslim-Crusader Spain under James the Conqueror

BY

ROBERT I. BURNS, S.J.

AND

PAUL E. CHEVEDDEN

WITH A CONTRIBUTION BY

MÍKEL DE EPALZA

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1999

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Vast regions and towns were despoiled of Islam:
Ask Valencia what became of Murcia,
and where is Játiva, or where is Jaén?

Al-Rundī, d. 1285

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PREFACE

Treaties between Muslims and Christians in the Middle Ages constituted a special kind of encounter. Driven by need or greed, two startlingly different mindsets, belief systems, cosmic and legal assumptions, and rhetorical traditions confronted each other and uncomfortably converged. A number of scholars have recently given close attention to the more usual genre of such treaties, namely those between equal sovereign powers to make peace, to establish a mutually beneficial alliance, or above all and usually to promote commerce. Those studies commonly focus on Muslim powers of the Near East and form part of the region's diplomatic history.

The works of Hadia Dajani-Shakeel, Peter Malcolm Holt, Michael Köhler, and John Wansbrough particularly stand out, cited below in notes and bibliography. Dajani-Shakeel explores crusader-Muslim peace treaties and agreements in the complicated Islamic Near East of the early twelfth century, analyzing nine treaties and placing them in the framework of Islamic ideology. Holt focuses on treaties by the Mamlūk sultans of Egypt between 1260 and 1290 with a variety of eastern and western Christian powers, treaties preserved only in literary sources and revealing a complex of diplomatic and social relations. Köhler's ambitious survey of "alliances and relations" in the crusader Near East from the twelfth into the thirteenth centuries covers both the treaty activity when the "Franks" entered as players into that fragmented world as well as the ideological problems posed for each side in that encounter. Wansbrough ranges more widely into east and west, generally with an emphasis on late fifteenth and early sixteenth centuries. In this maturing school of intercultural treaty studies the present book should find a special niche.

Paradoxically, the materials for such treaty and diplomatic study may remain more abundantly for the Maghrib or Islamic west of the Mediterranean world than for the east, and among the treaty documentation in Christian archives there than in Islamic depositories. The great collection of diplomatic documentation in Arabic at the archives of the realms of Arago-Catalonia (the Arxiu de la Corona d'Aragó in Barcelona), transcribed by Maximiliano Alarcón y Santón and Ramón García y Linares, is particularly a treasure. A peculiarity about such resources for diplomatic relations between Spain and North Africa or Granada is the abundance of formal documents—treaties or treaty-oriented charters—surviving not in Arabic but in Latin and in Spain's several Romance languages. For Mediterranean

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Spain both the Arabic and the Latin/Romance supply of formal documents multiplies stunningly from the very end of the thirteenth century but particularly through the fourteenth century.

Interchange between the Arago-Catalan realms and North African Islamic states was constant and intense throughout both centuries, as expressed in commerce alternating with war, in slavery raids and ransoming, in cross-cultural alliances, in migratory movements, in populations from each of the two religious societies living semi-autonomously among the other, in piracy, missionary activity, technological interchange, and the osmotic intellectual contacts symbolized by figures such as Ramon Lull, Arnau de Vilanova, and the notable convert to Islam Anselm Turmeda. Charles Emmanuel Dufourcq summed up much of this interchange in his magisterial and still standard *L'Espagne catalane et le Maghrib aux XIIIe et XIVe siècles* in 1966, a task carried forward in nearly one thousand pages by María Dolores López Pérez in her *La Corona de Aragón y el Magreb en el siglo XIV* in 1995.

Guaranteeing the further progress of this story of conflict and contact is the project directed by Maria Teresa Ferrer i Mallol at the Consejo Superior de Investigaciones Científicas in Barcelona on Catalonia's "Land and Sea Frontier with Islam," which has already produced a number of valuable volumes. All this is part of a wider scholarly movement which has given us for example a hefty colloquium on *Relaciones de la península ibérica con el Magreb (siglos XIII-XVI)* in 1988, and the nearly six hundred pages of new documents transcribed by Àngels Masià i de Ros in 1988 as *Jaume II: Aragó, Granada, i Maroc* from 1292 to 1326, a trove of treaty materials. The work of Míkel de Epalza on every sort of Spanish-North African interchange, and notably the diplomatic, has singularly transformed the field, not least by his journal *Sharq al-Andalus: estudios árabes*. The diplomatic and treaties themes are related as well to the Mudejars or semi-autonomous communities of subject Muslims in Spain and especially in Valencia. That topic and an orienting bibliography will turn up as this book progresses.

The two treaties constituting the skeleton of the present book's discourse are unique in their category, though many dozens like them demonstrably existed in thirteenth-century Spain. Both treaties come from the same place, the mountainous country in the southern coastal part of Mediterranean Spain, in what the Muslims called Sharq al-Andalus and the Christian conquerors called the Kingdom of Valencia. Though representing different politico-military episodes in the same long crusade, they were separated from each other by less than a year. Both treaties belong to the early thirteenth century,

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before the celebrated series of royal registers at Barcelona had begun; they therefore belong to a relatively bleak documentary landscape where every item is valuable. One treaty reflects an obscure enterprise, recorded by no surviving Muslim records—the rallying of hard-pressed Muslim forces behind a castle-holding adventurer, coalescing into a de facto sultanate akin to the embryo Granada then forming around the adventurer Ibn al-Aḥmar. The other treaty was part of an epic series of sieges to subdue a major center of the Valencian regions, a contest that does find some small reflection in Muslim sources.

Both treaties are interlinear, the Arabic of the first alternating with lines of a Romance text, the Arabic of the second interwoven among the lines of a Latin text. Both are ample documents with substantial content in each language. Their interlinear nature allows a view into the mentality of the co-signers and reveals two very different understandings of their shared procedure. Each treaty has historical, linguistic, and even literary implications that give it significance beyond its immediate content and purpose. The first treaty—al-Azraq's surrender to James the Conqueror and Prince Alfonso—had been obscurely and inadequately published, known mostly to local historians and as an isolated oddity, until the present authors made a preliminary critical edition and comment, here revised and enlarged. The second treaty—Játiva's surrender pact with James the Conqueror—had mysteriously disappeared even during the Middle Ages, until very recently recovered among nearly ruined manuscripts by the archivist Alberto Torra and given public presentation by this book's authors, first before the Middle East Studies Association in 1992 in the United States and then in a formal address in 1995 at the University of Valencia in Spain.

The treaties are not merely artifacts, however fascinating in themselves. Each is a door into a world of its own, with its own cast of intriguing personalities and adventures. It will therefore be necessary to do more than reconstruct and thoroughly edit the various texts. A kaleidoscope of contexts affected each text, and indeed made it possible and now must make it intelligible. The dizzying changes that issued from the collapse of Almohad Islam, the bitter rivalry of Castile and Aragon on this frontier, the role of popes and North African sultans, the historiographical confusions, the geographies of war, the ideologies and limitations each party carried into battle, and the individual personalities must all be sorted out and each given its proper place in this story.

Fortunately an unusual wealth of sources lies at hand to assist in this multiple contextualization—archival, chronicle-based, memoirist,

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archeological, and legal. Prominent among these sources is the autobiographical *Book of Deeds* by King James of Arago-Catalonia, the Christian protagonist in these two treaties. This ample memoir, two volumes in its English edition, suffers from the omissions, exaggerations, and self-serving pleading of any autobiography, and labors under the conventions and literary topoi appropriate to its time and place. Historians nevertheless generally accept that this is substantially the king's own work and reflects his actions as he would like us to see them. The king's autobiography echos Islamic models in some ways important to its understanding. His *Book* will lend a special anecdotal charm as well as invaluable detail and psychological depth to our narrative.

The story told here should be accessible to the general educated reader, though he may wish to skip or pass lightly over more technical and philological parts. To assist in comprehension, for example by medievalists less familiar with Islamic history, or non-medievalists and non-Arabists unfamiliar with those intersecting fields, a glossary of terms has been supplied.

The interdisciplinary and intercultural dimensions of the task set by the two treaties strongly recommended the combined talents of three specialists. Paul E. Chevedden of the history department at the Virginia Military Institute is the Arabist historian and paleographer who contributes chapters three and nine covering both the Arabic texts, as well as the appendix and contributions to chapters seven and eleven, with some glossary items. Míkel de Epalza, holder of the Arabic chair at the University of Alicante in Spain and foremost commentator on the politics and ideology of Islamic Spain's east or Sharq al-Andalus, contributes chapter ten on the Islamic understanding of such treaties or pacts. Robert I. Burns, S. J., of the history department of the University of California at Los Angeles, is responsible for the other chapters, though a certain amount of interchange occurred between the authors throughout the project.

As to practical matters, the editorial and transcription procedures for the Arabic are explained at the beginnings of chapters three and nine, essentially the Leiden Bracket System as adapted by Michael Hamilton Burgoyne and Amal Abul-Hajj, with transliteration following the U.S. Library of Congress system. Editorial and transcription procedures for the Latin and Romance are explained in chapter two. The history of the project itself and its methodologies will be incorporated as the work progresses. In the medieval political confederation called the realms (*regnes*) of Aragon with their several languages, institutions, and cultures, the names in Latin documents pose a problem. Names clearly or probably Aragonese can be translated into that

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language or Castilianate dialect. Some names from Occitania (southern France) have Occitan forms. Most names can follow Catalan forms, however, since the Catalans seem the dominant force in the crusader Valencia of the treaties. King James the Conqueror with his son and successor Peter might just as logically wear their Aragonese costume as Jayme and Pero, or their Catalan dress as Jacme/Jaume and Pere. Illogically, in the interests of ethnic peace and in view of their insistent repetition throughout this book, they appear here more comfortably in English guise. A number of foreign words have been taken out of italics for the reader's convenience.

The decision to present the two treaties in their present sequence of al-Azraq followed by the Játiva pact, rather than by strict chronology, needs a word of explanation. The two treaties, as noted, are less than a year apart and thus share much of the same general contexts. But the somewhat earlier of the two, the Játiva case, involves not an episode as with al-Azraq but rather an intricate series of related sieges that push its chronology into a continuum from the 1230s to the 1250s and after. In short, a chronological sequence of 1244 followed by 1245 seems less reasonable than a thematic sequence: the 1245 episode followed by the multi-chapter epic at Játiva evoked by its 1244 treaty. The al-Azraq treaty thus makes a better overture than it does a coda to the ampler Játiva story. The two are intimately related nevertheless as variations of a lost documentary genre, each illuminating the other in many ways.

The authors must thank the staff of the Arxiu de la Corona d'Aragó in Barcelona for their generous assistance in the project. This particularly applies to the then director Rafael Conde Delgado de Molina and to Alberto Torra; their special role in the discovery of the Játiva treaty and their encouragement to publish our edition and analysis will be noted in chapter seven. In connection with the 1252 Jativan treaty, the staff at the Arxiu del Regne de València in the city of Valencia also proved most helpful. Professor James Monroe of the University of California at Berkeley, Professor Michael Fishbein of the University of California at Los Angeles, and Professor George Makdisi of the University of Pennsylvania kindly read chapter three and offered valuable suggestions. Professor Everett Rowson of the University of Pennsylvania, Professor Michael Fishbein, Professor Donald J. Kagay of Albany State University, and Dr. Theresa M. Vann of the Hill Monastic Manuscript Library at St. John's University gave chapter nine a careful reading. Eliseu Climent of the publishing house Tres i Quatre made possible our public presentation of the newly found Játiva treaty, at the University of Valencia. The Spectronics Corporation of Westbury, N.Y., generously contributed

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two Spectroline magnifying ultraviolet lamps to assist tracking trace amounts of fluorescence in the badly ruined Játiva treaty. Finally, it remains to acknowledge the funding that assisted this enterprise, including a faculty research grant from the University of California at Los Angeles and grants from the Institute of Medieval Mediterranean Spain at Los Angeles and from Iberia Airlines. A grant from the Program for Cultural Cooperation Between Spain's Ministry of Culture and United States Universities, established at the University of Minnesota, assisted actual publication. The double meaning of the book's main title is explained at the start of the last chapter.

Robert I. Burns, S.J.
U.C.L.A.

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PART ONE

AL-AZRAQ AND JAMES THE CONQUEROR

> "Every *qā'id* and man of influence, who could command a few score of followers, or possessed a castle to retire to in case of need, styled himself sultan and assumed the insignia of royalty."
>
> Ibn Khaldūn

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CHAPTER ONE

AL-AZRAQ'S WORLD

The Spanish Reconquest, often presented as a steady recovery of lost territories over eight centuries, was rather a series of border brawls and opportunistic seizures, punctuated by radical conquest in the eleventh and thirteenth centuries. The main surge saw the thirteenth-century crusader kings of Castile-León and of Catalonia-Aragon conquer systematically all the heartland of Spanish Islam (al-Andalus), leaving only the rump mini-state of Granada at the rocky bottom of the peninsula. From 1229 to 1245 King James the Conqueror, ruler of federated Catalonia and Aragon, subdued and absorbed the Mediterranean provinces of Islam, from the Balearic islands down to Murcia (which became Castile's corridor or window on the Mediterranean). This took James fifteen years of complex diplomacy, military maneuver, bluff, raids and very rarely a prolonged siege or pitched battle. Since surrender agreements then left many local Muslim leaders in a strong military position, King James had to fight on sporadically, long after 1245—in a decade-long crusade against the mini-state of al-Azraq, then in the conquest of Murcia to help Castile, from time to time in repression of local revolts, and finally in confronting a major countercrusade by the Marīnid Maghrib empire joined to Andalusī rebels. James began his career in 1225 as a teenager on the Valencian battlefront; he ended it as an old man in 1276 desperately fighting on the Valencian frontier.[1]

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[1] For the Valencian crusade, see R.I. Burns, *Islam under the Crusaders: Colonial Survival in the Thirteenth-Century Kingdom of Valencia* (Princeton: 1973), chaps. 1, 2, 13, 14; and his "The Many Crusades of Valencia's Conquest (1225-1280): An Historiographical Labyrinth" in *On the Social Origins of Medieval Institutions: Essays in Honor of Joseph F. O'Callaghan*, ed. Donald J. Kagay and Theresa M. Vann (Leiden: 1998), pp. 167-177. María Jesús Rubiera and Míkel de Epalza, *Xàtiva musulmana (segles VIII-XIII)* (Játiva: 1987), pp. 93-104. Pierre Guichard, *Les musulmans de Valence et la reconquête (XI^e^-XIII^e^ siècles)*, 2 vols. (Damascus: 1990-1991), II, chaps. 18, 19; and his "Valencia musulmana: la conquista cristiana y la construcción del reino de Valencia (s. XIII-inicios del XIV)," *Nuestra historia*, ed. Miguel Mas-Ivars, 7 vols., II, 201-280, III, 1-107. *Història del país valencià*, ed. Ernest Belenguer, 5 vols. (Barcelona: 1989-1990), II, chaps. 1, 3, 6. L.P. Harvey, *Islamic Spain 1250 to 1500* (Chicago: 1990), chaps. 1, 2, 6, 14. Ambrosio Huici Miranda, *Historia musulmana de Valencia y su región, novedades y rectificaciones*, 3 vols. (Valencia: 1969), III, ch. 7. Pedro López Elum, *La conquista y repoblación valenciana durante el reinado de Jaime I* (Valencia: 1995). See too the background chapters in Juan-Manuel del Estal's *Conquista y anexión de las tierras de Alicante, Elche, Orihuela, y Guardamar al reino de Valencia por Jaime II de Aragón (1296-1308)* (Alicante: 1982).

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The Valencian Crusade

Valencia had three regional centers, and James's three main sieges centered on them—Burriana, Valencia city and Játiva. The first two sieges went to bloody victory and expulsion of their Muslims. The Játiva siege developed into several spin-off stages, however, as the adversaries groped like wrestlers toward an ever more definitive conclusion. In each siege neither Christian nor Muslim fought in an empty arena; a kaleidoscopic context of political changes defined their options. Thus King James, despite previous treaties with Castile marking out respective paths of conquest, had to cope with periodic Castilian intrigue, Castilian alliances with Muslim enemies of King James, and even Castile's bold invasion of his agreed zone. At the same time, King James was embroiled in opposing the French or Frankish occupation of ever more territory in Occitania (southern France under Catalan patronage and Capetian envelopment). Besides these external pressures, domestic turmoil from time to time deflected and preoccupied the king's energies. He could give his full attention only sporadically to Islamic entities arrayed against him in al-Andalus and North Africa.

In the Islamic west itself, analogous complexities prevailed. After the definitive Christian victory at Las Navas de Tolosa in 1212, the Almohad empire collapsed into squabbling factions, with Moroccan Marīnid and Tunisian Ḥafṣid dynasties struggling to construct new empires from the wreckage. Islamic Spain fragmented into mini-states unable to present a common front against the Christian invader, or even to sustain for long their own respective integrities. The extensive coastal regions below Tortosa and above Murcia, which the Christians called the kingdom of Valencia, were caught up in each of these storms. The Almohad collapse left Valencia the only Almohad province in Spain, under its prince of the blood the *wālī* Abū Zayd. Valencia had become a sovereign state with emotional ties to the Almohad parts of North Africa. Soon civil wars divided it.

Zayyān of the locally celebrated Banū Mardanīsh lineage captured Valencia city in 1229, while Abū Zayd fell back upon the northern or Segorbe region of his waliate or vilayet. There Abū Zayd allied with the infidel King James in a series of treaties progressively alienating the Muslim's own residual powers, until he became a mere puppet in the Christian crusade. At Murcia meanwhile a great hero of Islam arose, Ibn Hūd, who briefly rallied most of al-Andalus to his ʿAbbāsid cause in a ten-year trajectory, until assassinated in 1238. During those larger movements, Valencian cities and castles drifted into the respective orbits of Abū Zayd, Zayyān, and Ibn Hūd.

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While Zayyān fought Abū Zayd and King James, Ibn Hūd ineffectively besieged Zayyān in Valencia city. As necessity dictated, both Abū Zayd and Ibn Hūd made overtures to James's rival Castile. Just as Ibn Hūd called upon the Baghdad caliph for legitimacy and help, and Abū Zayd looked to the disintegrating Almohad caliphate, Zayyān got his backing and fleet from the Tunisian Ḥafṣid dynasty (who were soon also to take the title caliph). This multiplication of unstable political contexts in swift succession becomes even more confusing at the very local level. Ibn Khaldūn describes al-Andalus between the Las Navas disaster of 1212 and the fall of Córdoba in 1236: "Every *qā'id* and man of influence, who could command a few score of followers, or possessed a castle to retire to in case of need, styled himself sultan and assumed the insignia of royalty," so that Islamic Spain "afforded the very singular aspect of as many kings as there were castellated towns in the countryside." The Castilian chronicle of Alfonso X picks up on the same note: "After the death of Ibn Hūd [in 1238], the land split up among many small kings."[2]

One such semi-sovereignty was Játiva under the Banū Mardanīsh and then under the Banū ʿĪsá.[3] Another, more transiently forming as the progressive Islamic collapse isolated a region, was the mountain-principality headed by the adventurer al-Azraq. The various campaigns in King James's crusade resulted in a mosaic of treaty-aljamas throughout the former Valencian waliate. The one-sided Latin or Romance versions of their agreements or surrender constitutions have survived for several places, while enough partial survivals or descriptions show that such treaties with their mixture of common privileges and special details were the norm during the conquest. Presumably each side kept an Arabic copy of these bilingual arrangements, with its Latin or Romance text interlineated. Copies held by Muslims have long ago disappeared, as the Muslim communities themselves evanesced. The Christians did not preserve the originals for very long either, though a Latin or Romance version might rarely be transferred in copy. Out of the entire bilingual genre in Mediterranean Spain, only two exemplars survive, one of them having turned up just recently. These are our only physical originals, and our only

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[2] Ibn Khaldūn, transl. Pascual de Gayangos in appendix H to *The Chronicle of James I, King of Aragon, Surnamed the Conqueror (Written by Himself)*, transl. John Forster, 2 vols. (London: 1883), II, 696. See too the comments on the *ṭā'ifah* breakup in Ibn Khaldūn, *The Muqaddimah: An Introduction to History*, transl. Franz Rosenthal, 3 vols. (Princeton: 1967), I, 315-316. Alfonso X, *Primera crónica general de España*, 2 vols. (Madrid: 1955), II, ch. 1037: "partiose aquella tierra en muchos pequennos reys."

[3] Játiva's bibliography will appear extensively below in part 2, with its treaty text and context.

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bilingual interlinear texts. Each of the two precious recoveries hold intrinsic linguistic and human interest, and each has startling extrinsic implications for the history of that bellicose era.

Lacking the original texts, historians had posited various dates for either surrender. At first sight, the texts themselves might seem to define both surrenders as 1244, al-Azraq yielding in mid-April and Játiva a month and a half later in the first week of June. We shall later argue that, while Játiva's treaty did come in June 1244, al-Azraq's double dateline of 1244 and 1245 actually came nearly a year later in 1245. Factors other than chronological priority, however, will govern priority of al-Azraq's sequence for general discussion. Al-Azraq's treaty survives in far better condition than Játiva's and makes a better initial model for thorough analysis. Al-Azraq's circumstances or contexts were simpler, too, allowing for more compact treatment as against the sprawling story of Játiva's long series of surrenders. And as the Preface notes, a thematic sequence seems preferable to a chronological sequence where the time-spans are so dissimilar.

Al-Azraq at Bay

Abū ʿAbd Allāh Muḥammad b. Hudhayl, popularly called al-Azraq, is a mysterious figure. Muslim chroniclers have no notice of him. Spanish historians remember him from the published Romance of this treaty, from a short note he addressed in Arabic to James's queen five years later, from some uncharacteristically vicious comments in the king's autobiography when dealing with his later revolts, and from a handful of registered charters alluding to those revolts. (The edition of his Arabic note, by Maximiliano Alarcón and Ramón García de Linares, erroneously closes his name "al-Shāhir b. al-Azraq.")[4] These sources have left the impression of a negligible rural

[4] Maximiliano Alarcón and Ramón García de Linares, eds., *Los documentos árabes diplomáticos del Archivo de la Corona de Aragón* (Madrid/Granada: 1940), doc.154 (10 March 1250): "al-Shāhir b. al-Azraq," for *al-shāhir* [in place of *al-shahīr* or *al-maʿrūf*] *bi-al-Azraq*, meaning "known as al-Azraq." Chabás, who saw the original, does so translate it in his "Don Jaime el Conquistador y Alazrach," *El archivo*, IV (1890), 281. Ricard Bañó Arminyana advances the thesis that al-Azraq was the youngest son of Ibn Hūd, the hero who rallied Spanish Islam after the Almohad collapse until his assassination at Murcia in 1238, and that al-Azraq must therefore have been born at Murcia. This is based on an erroneous etymology of al-Azraq's name Ibn Hudhayl; but that name was common enough, so that the conjecture is unfounded. See Bañó's study, "Contribució a l'estudi de les sublevacions d'al-Azracq en les comarques de l'Alcoia i del comtat," *Revista de investigación y ensayos: Instituto de estudios alicantinos*, XXXIII (1981), 42-43.

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sheikh, a local leader who routinely surrendered a few castles to the king's son in 1244, in a minor action before the final and more serious campaigns of 1245. His leadership in subsequent rebellion, his exile, and his tragic death in the countercrusade invasion of 1276 round out his story. The great al-Azraq was much more.

It is now certain that he was the last of the principal Muslim leaders to surrender to James's crusade; that he did so in 1245, not in 1244 as historians until recently believed and many still do; that the king's own armies were pressing the attack upon al-Azraq's formidable mountain fastness, with James's son Alfonso allowed to accept actual surrender only because the king wished to conciliate that rebellious Castilianate prince; that James was unable either to continue a proper campaign against al-Azraq or to force his surrender; and that this treaty was a patched-up bargain by which both sides gained necessary time. Though James had no choice about conceding his treaty now, he did have some reason to hope that it just might hold; al-Azraq, ignorant of James's wider problems but caught in a hopeless international Islamic situation of his own, had less choice and was compelled to this opportunistic recourse.[5]

Al-Azraq's local domain had emerged from the collapse of Almohad Islam in much the same way as the larger entities of Ibn Hūd in Murcia and Ibn al-Aḥmar in Granada. Various charismatic leaders had each sought to rally and reconstitute an Islamic redoubt to resist the stunning Christian advances of the early thirteenth century. The assassination of Ibn Hūd ended his initial successes. Ibn al-Aḥmar gathered a territory in the 1230s at the mountainous southern tip of Spain, allying variously with Castile and North Africa. Weak at first, his kingdom of Granada would preserve the glories of Spanish Islamic culture for two and a half centuries more. Al-Azraq too had

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[5] The history of al-Azraq's revolt is revised radically, from a trove of new documents, in R.I. Burns, "The Crusade against al-Azraq: A Thirteenth-Century Mudejar Revolt in International Perspective," *American Historical Review*, XCIII (1988), 80-106, along with his "A Lost Crusade: Unpublished Bulls of Innocent IV on al-Azraq's Revolt in Thirteenth-Century Spain," *Catholic Historical Review*, LXXIV (1988), 440-449 and his addendum "La guerra de al-Azraq de 1249," *Sharq al-Andalus: estudios árabes*, IV (1987), 253-256. See also his *Muslims, Christians, and Jews in the Crusader Kingdom of Valencia: Societies in Symbiosis* (Cambridge, Eng.: 1984), ch. 10; and his *Islam under the Crusaders*, pp. 323-332, with the works cited there. On al-Azraq see too the works by Barceló Torres, Chabás, Guichard, Momblanch and others cited below in note 10, and Bañó Arminyana above in note 4. For a full bibliography on al-Azraq, see now the exhaustive *Moros y moriscos en el Levante peninsular (Sharq al-Andalus): introducción bibliográfica* by Míkel de Epalza et alii (Alicante: 1983), index s.v "al-Azraq," and its regular continuation in issues of the new journal *Sharq al-Andalus: estudios árabes*, from XII (1995) retitled *Sharq al-Andalus: estudios mudéjares y moriscos*.

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modest beginnings, but by the time of the present treaty he was a formidable presence in his mountain enclave. From King James's own account of the ten-year war against al-Azraq, which erupted two years after the 1245 treaty, al-Azraq had remained a strong war-chief. He controlled a number of castle districts ("ten strong castles," according to the contemporary Bernat Desclot), disposed of a public treasury based on regional wheat surpluses, hired salaried armies, and conducted his own diplomacy. He held off the resolute might of the realms of Aragon during a decade-long papal crusade. Two years after our treaty, the forces of rebellion had "made al-Azraq leader [*cap*]," the king tells us; and in the end the Muslim succumbed as much to inner treason, suborned by King James, as to crusader armies.[6]

Why would such an Islamic power consent to a surrender treaty in 1245, when it was able to mount such strong resistance a few years later? The answer lies in the circumstances of both al-Azraq and King James at that precise time. Al-Azraq's potential supports had just collapsed, and Christian forces surrounded his enclave. Mighty Játiva to his south and east had signed its own treaty the previous summer, allowing James to garrison Játiva city's secondary citadel. Denia and the eastern coast along these mountains had succumbed even more decisively to the crusade forces. To the north all Islamic entities lay in Christian hands. Further to the south the Biar/Castalla border had fallen to King James, while the kingdom of Murcia had surrendered to Castile in spring of 1243. Granada offered no hope of help. Ibn al-Aḥmar's creation was still tentative and from late 1244 was harried badly by Castile; Jaén would fall in 1245 and Granada had to adopt the pose of a vassal and ally to Castile.

The Options of James the Conqueror

Father afield, the Almohad remnant in North Africa was locked in mortal combat with the rising Marīnids; an Almohad victory at Fez in 1244 did not slow the Marīnid advance. In all the recent retreat of

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[6] James I, *Llibre dels feyts*, c. 370. The recent philological edition by Jordi Bruguera, *Llibre dels fets del rei En Jaume* (Barcelona: 1991) will be used in these notes; the spelling *feyt* is the most common in the manuscript, though *feytes*, *feyts* and *fets* all appear there as its plural. Ferran Soldevila's annotated critical edition of the *Llibre* with other chronicles has also been used, in his *Les quatre grans cròniques* (Barcelona: 1971). See Bernat Desclot's comment there in his *Crònica* or *Llibre del rei En Pere*, c. 49: "ab deu castells dels forts del regne." Cf. the Latin medieval version of James's *Llibre*, as *La crònica latina de Jaime I*, ed. M.D. Martínez San Pedro (Almería: 1984).

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Islam in Mediterranean Spain, the naval power Ifrīqiyah or Tunis had offered practical help and hope—to the successive Islamic states of Valencia, Murcia, and Granada. But Tunis had now sought rapprochement with the mighty King James, signing a political and commercial treaty with him in 1240 which Pope Gregory IX ratified in 1241. James now considered Tunis his vassal or client state. For al-Azraq the entire international and local context counseled prudent recoil and whatever concession or compromises might still be possible to hold off the barbarians at his gates. As the dizzying reversals of the past few decades had demonstrated, al-Azraq could hope or anticipate a very different situation to evolve in the space of a few years.

If al-Azraq's position was so bleak, why would the triumphant King James hesitate to crush this last remnant of Valencian Islam? The king's armies were in the field, their morale high from successive victories, with no other opposition in sight. The answer lies in James's own larger context in 1245. Francia, the kingdom of the northern Franks, had been encroaching steadily for decades on the Occitan or southern "French" countries which had traditionally looked to James's dynasty as protector or in many cases as feudal lord. Through military might followed by strategic marriages the Franks had already swallowed much of Languedoc or western Occitania. In reply, under James's aegis, Viscount Raimon Trencavel had led a counter-invasion out of Catalonia in 1240 and had won back his country of Carcassonne, only to go down finally to defeat. With James's connivance, King Henry III of England had sent an army out of English Gascony in western Languedoc, joining with the forces of Count Raimon VII of Toulouse in an international coalition in 1242, but meeting decisive defeat by the French at Taillebourg and a humiliating treaty in spring 1243. Now, however, a matrimonial maneuver by King James, Count Raimon, and Count Raimon Berenguier of Provence promised to reconstitute an independent Occitania, joining the principalities of Toulouse and Provence, and voiding the French arrangements.

The plan was to be formalized at the ecumenical council at Lyons in May 1245, with Pope Innocent IV resisting French and Castilian pressure to block the necessary dispensations. This was the critical moment in the history of Occitania, James's last chance to push back his mortal enemy the Franks and to recreate his Occitan buffer. He could not afford even another month of distraction in the hinterland enclave of al-Azraq.

A second embroilment for James was the general crusade being preached by the pope. Jerusalem had been lost definitively in July 1244, while in October the armies of the crusader states went down

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to defeat near Gaza. The pope was determined to use his Lyons council to rally Christendom to recover Jerusalem. In December 1244 James's rival and nemesis St. Louis IX of France announced he would help lead the crusade. In January 1245, nearly a half a year before our al-Azraq treaty, the pope invited King James to co-direct this crusade. In the event, James would refuse to join Louis and would announce his own crusade vows at the beginning of 1246, this time to rescue Byzantium as the road to Jerusalem, winning for this enterprise papal crusade indulgences and financing.

Thus in the spring of 1245, when James stood on al-Azraq's borders, he had no room in his life for a serious campaign in these mountains. He realized, and would learn more fully when the war there reopened in 1247, that reconquest of the region would require several years. He could afford only an intimidating military promenade into the mountains and a truce disguised as a surrender treaty and vassalage. Any campaign more ambitious would destroy forever his Occitan claims and leave his rival King Louis as the champion of Christendom. When James did in fact sign his treaty with al-Azraq, he announced to the pope the triumphant close of his fifteen-year Valencian crusade and was hailed throughout Europe as a hero. In that heady atmosphere, al-Azraq would drift from the king's horizon. James pursued his larger dreams, even leading a military raid into Provence in late 1245 in an attempt to foil the marriage of its heiress to Charles of Anjou, brother of the French king. In early 1245 therefore every element in the politico-military contexts, both of al-Azraq and of James the Conqueror, had conspired to push the two enemies into negotiations and a treaty.[7]

A fatal flaw in the treaty is the contradictory understanding of it by the two principals. The Christian text makes al-Azraq a vassal and partner; the Arabic text merely agrees to a three-year truce. With either party so hard-pressed by circumstance, it may be that each misinterpreted the other, either cynically or out of desperation. When al-Azraq suddenly resumed the war two years later, catching James on the full crest of his fantasies as crusading leader of Christendom

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[7] These contexts are explored in detail in Burns, *Muslims, Christians, and Jews*, ch. 10. On the exultant reaction of pope and Christendom see Burns, *The Crusader Kingdom of Valencia: Reconstruction on a Thirteenth-Century Frontier*, 2 vols. (Cambridge, Mass.: 1967), I, 2 and note 13. The Provence raid has been documented in Burns, "The Loss of Provence: King Jaume's Raid to Kidnap Its Heiress (1245)—Documenting a Legend," in *XII^e Congrès d'histoire de la Couronne d'Aragon* (Mémoires de la Société Archéologique de Montpellier, 15-17), 3 vols. (Montpellier: 1987-1989), III, 195-231.

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abroad, the king was furious. He never allowed any notice of al-Azraq's role in Valencian affairs up through 1245 to enter his later autobiography. A dismissive sentence covers all the final months of the Valencian crusade. "And when they [the Muslims] saw that I had Játiva and Biar, they surrendered to me all the rest of the kingdom from the Júcar down to the land of Murcia," roughly the bottom third of the kingdom, "with the agreement that I should keep them in the kingdom; and thus I had it all."[8]

The Treaty: Externals

The actual document, now lodged among the king's parchments at his Barcelona archives, is a long rectangle some 25 by 40 centimeters. Width at the top is 24.7; at line six of the Arabic text it is 24, and at the bottom 24.3; height is 39.6. Its bottom portion, especially the witness area, is worn and damp-damaged, glued to a stiff mounting, and badly torn where a seal was removed. There is a pinkish cast to much of the parchment, especially down the left side and at the bottom, apparently the effect of damp and/or microbial damage. The parchment itself is unusually thin, so as almost to seem at first a paper material. The ink of the Arabic appears to have oxidized more than that of the interlinear Romance, making it fainter on the parchment. A lateral wrinkle cuts down through the right end of line five of the Arabic. The last word (on the left) in line three has been abraded to a few clue strokes. There is some loss of surface at the corresponding word in line eight, and in lines twelve and thirteen, and a tear in line six. The Arabic script is competent, unlike the sloppy calligraphy of a surrender note surviving from revolts in this era under James's son and successor. It is also reasonably clear, even to the diacritical points and vocalization marks.

The parchment's dorse bears both the present locating-number and, in Catalan, its ancient number as "29, armari tercer del regne de València, sac. 5h." An archivist has added the formulaic typology: "Carta conventionis habi[t]e inter dominum infantem Alfonsum Aragonie et Sarracenum tunc dominum de Alcala super octo castris ultra Xucarum." There is no affiliation with the archives' celebrated collection of "Documentos árabes." Text and witnesses take up al-

[8] *Llibre dels feyts*, c. 360: "e quan viren que nós havíem Xàtiva e Biar, rendés a nós tot l'altre reyne que era de Xúcar tro en terra de Múrcia, ab covinença que nós los havíem feyta qu·ils retinguéssem el regne, e ayxí haguem-ho tot."

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most all the space, down to the ragged bottom, with no real margins. The surface of the parchment is tending to flake or peel away by bits, progressively endangering the integrity of the text. The phenomenon, more often associated with paper than with parchment, does not result from any preparation, cutting, or sizing of the material, but reflects the intrinsic quality of the hide and portion chosen. This deterioration and the threat of further loss make more imperative an exact textual edition.[9]

Thirteen lines of Arabic alternate with fourteen of the Aragonese-influenced Castilian favored by Prince Alfonso's chancery. Though the combined text begins and ends in Romance lines, the first composition laid down was probably Arabic. The Arabic script is larger, better sited on the page, and neatly spaced as though inviting the corresponding Castilian. The Romance script crowds along the top, despite ample space at the bottom, as though possession of the topmost blank was important to the crusaders. And the Romance text continues tightly even to the run-on date line, as though accommodating itself to the shorter Arabic text, without the option of distributing itself to better advantage on the page. The Romance script is the standard used at this transitional period in James's chancery, currently the subject of revisionary analysis and nomenclature; the Arabic is written in Maghribī script, with the peculiarities discussed below.

The archivist Francesc de Bofarull in the nineteenth century esteemed this "worn and blotted" treasure, making a clear hand-copy of the Romance portion to file as a preservative caution. The canon Roque Chabás encountered the original at the archives, and published the Castilian portion with a brief note in his journal *El archivo* in 1886. No further progress ensued, though local historians were now more aware of this "Pact of Pouet" or "of La Jovada" or as inflated more grandly this "Treaty of Alcalá." In 1970 one such local erudite, F. de P. Momblanch y Gonzálbez, recapitulated the comments of Chabás and reproduced the Chabás transcription of the Castilian. Robert I. Burns in *Islam under the Crusaders* in 1973 exploited the document as illustrating the transition of Muslim leaders from an

[9] Arch. Crown (Arxiu de la Corona d'Aragó), Cancelleria reial, Jaume I, pergamí 947. A photographic facsimile in reduced size can be found in Burns, *Muslims, Christians and Jews*, p. 244. Bofarull annotated his archival copy as written "en los Idiomas Aragonés y Arábigo" with the first line "en Aragonés ... y assi successivamente," but the language is rather a Castilian with strong Aragonese influence. Bofarull had no hesitation in filing the original, as he says in the same comment, in the *legajo* for 1244, not 1245.

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1. Realms of Aragon, showing the major components of the medieval dynastic federation: the upland agricultural Kingdom of Aragon, the urban-commercial sovereign County of Barcelona/Catalonia, the two conquests of James the Conqueror (Kingdom of Valencia and Kingdom of Majorca/Balearics), and a representative section of the holdings in southern France. Neighbors include Castile, Murcia, and Navarre. From Robert I. Burns, S.J., *Crusader Kingdom of Valencia*, 2 vols. (Cambridge, Mass.: Harvard University Press, 1967).

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2. Kingdom of Valencia, showing major natural divisions as grouped administratively in the Tomás López map of 1788. From Robert I. Burns, S.J., *Islam under the Crusaders* (Princeton: Princeton University Press, 1973).

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3. Al-Azraq's Territory and Environs.

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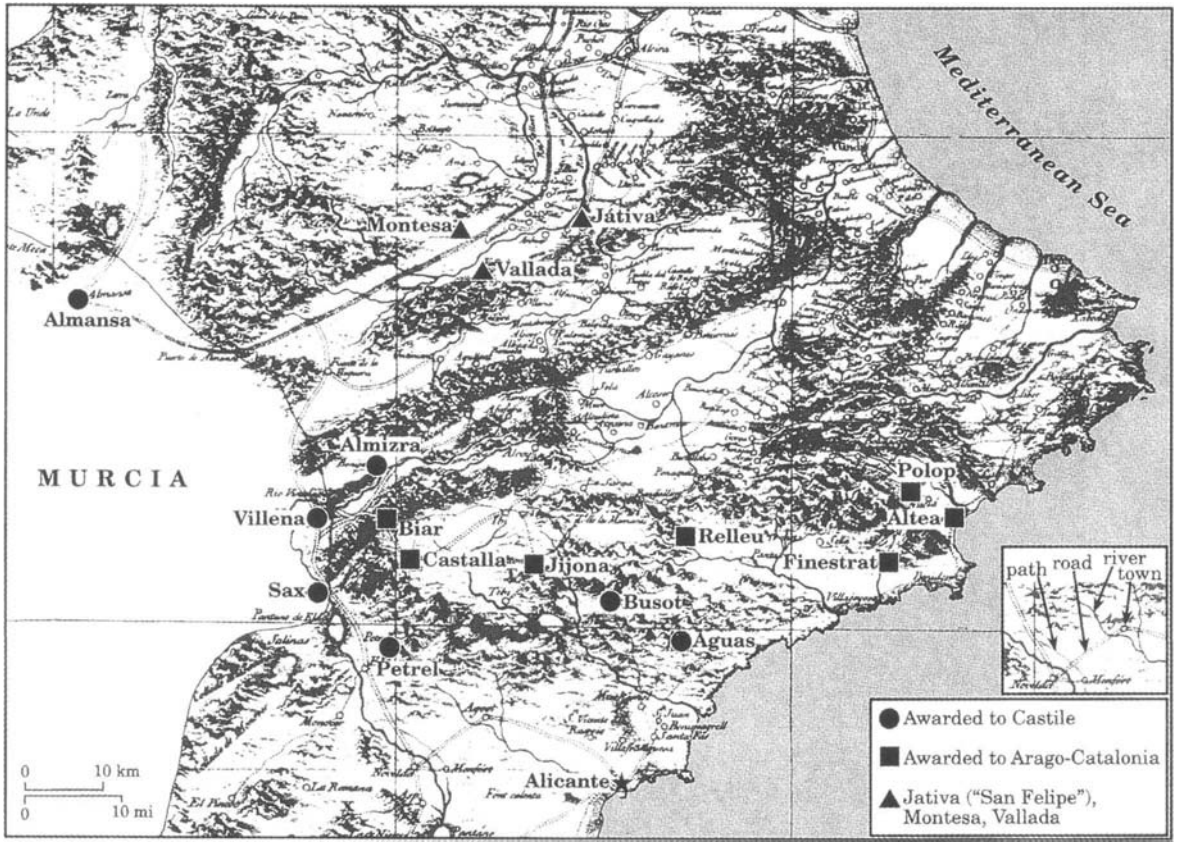

4. Játiva and the Southern Frontier, 1244. Adapted from Antonio Cavanilles, *Observaciones sobre la historia natural, geografía, agricultural . . . de Valencia*, 2 vols. (Madrid, 1795-1797), I, 236, showing the boundary negotiated between James I the Conqueror and (the later) Alfonso X el Sabio of Castile during James's siege of Játiva, by the treaty of Almirra/Almizra. The towns with their respective territories mark the northern boundary of Murcia and the southern boundary of Valencia.

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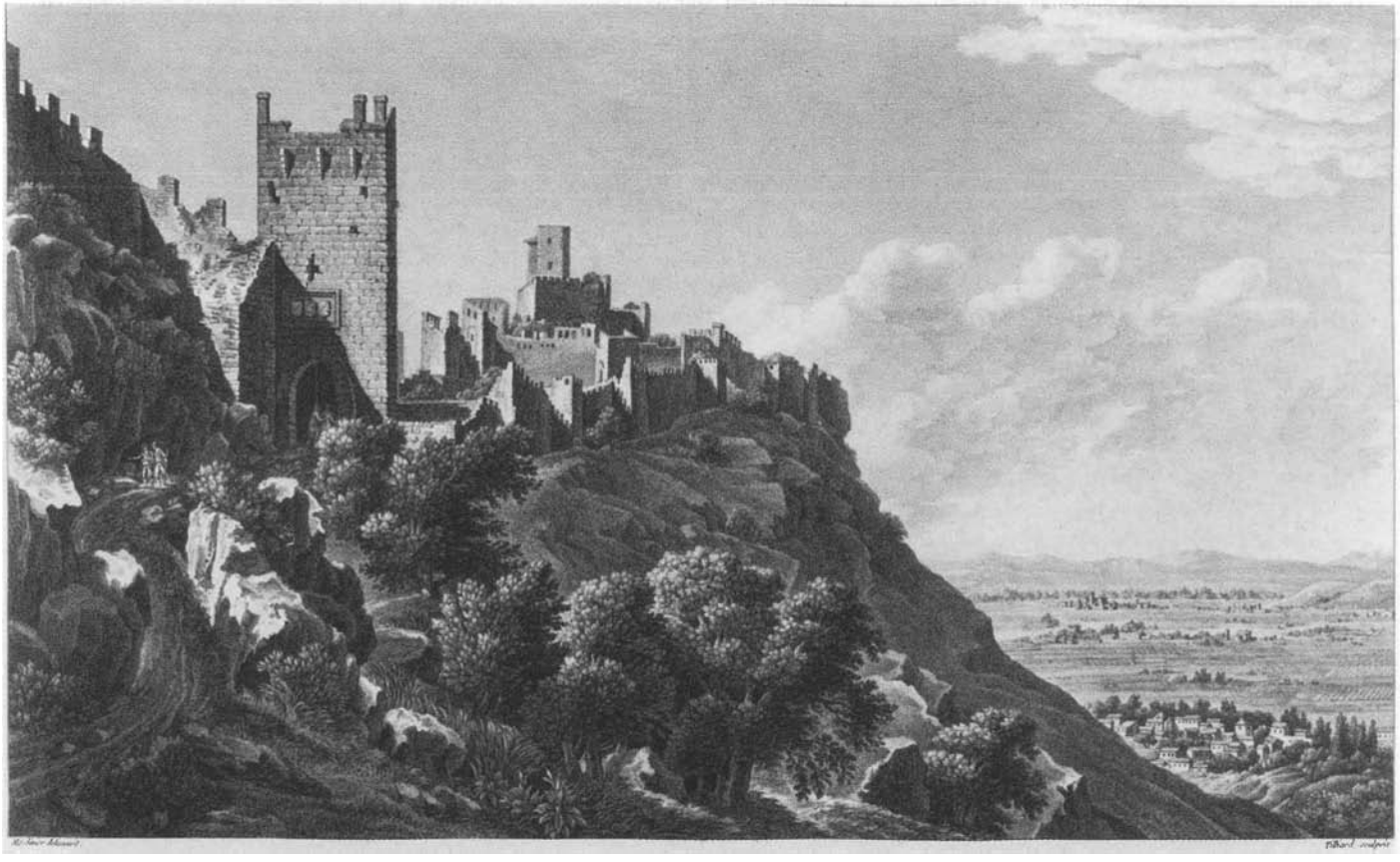

5. Entrance Gate (*left*) of the Twin Citadels of Játiva, ca. 1800. The larger of the two citadels, in the distance, was to remain in Muslim hands for two years following the 1244 treaty of Játiva. At the base of the fortified ridge (*bottom right*) lies the town of Játiva. From Alexandre Louis (Comte) de Laborde, *Voyage pittoresque et historique de l'Espagne*, 2 vols. in 4 (Paris: P. Didot l'Aîné, 1806-1820).

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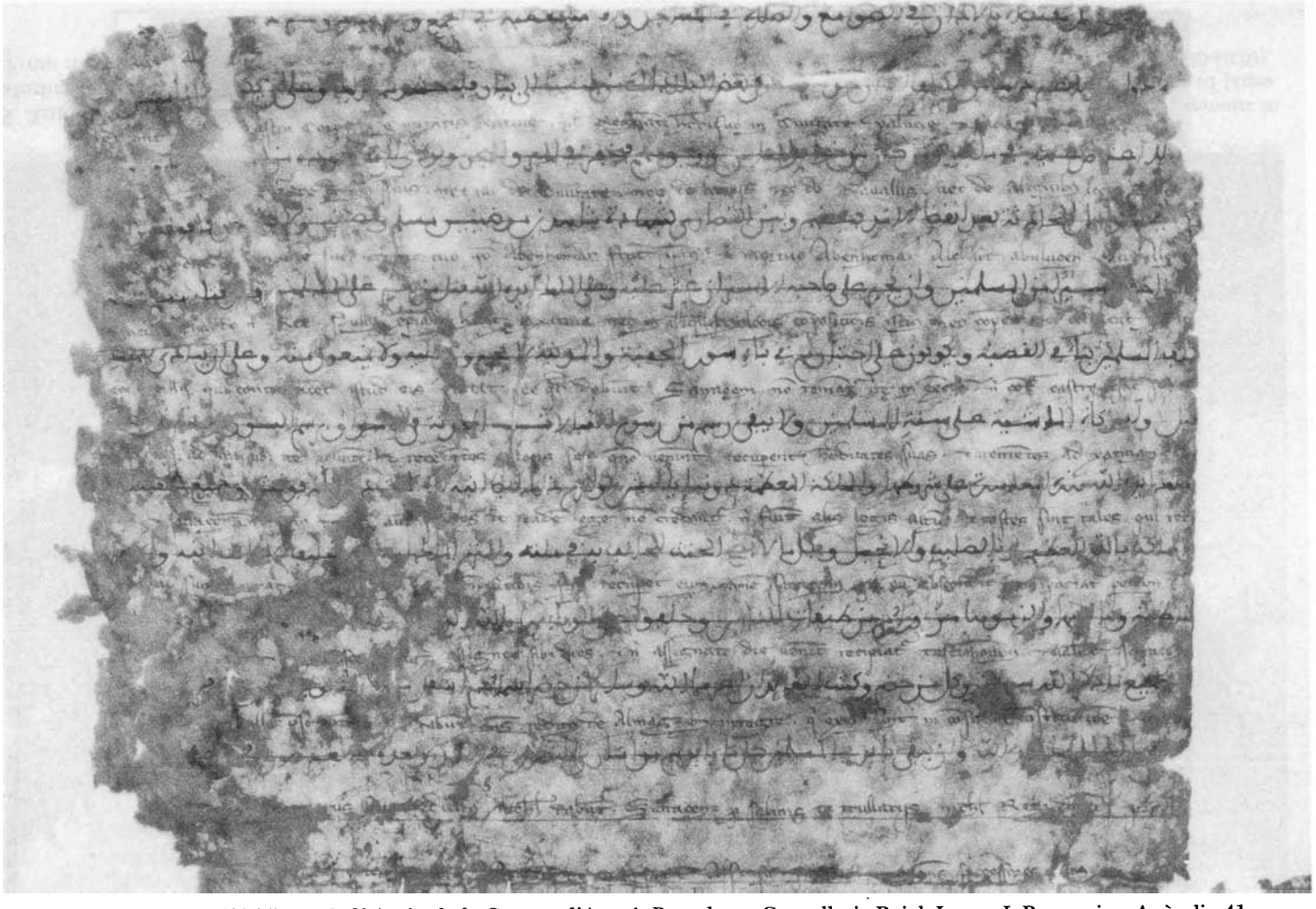

6. The Játiva Treaty (1244), *top half*. Arxiu de la Corona d'Aragó, Barcelona; Cancelleria Reial, Jaume I, Pergamins: Apèndix 41.

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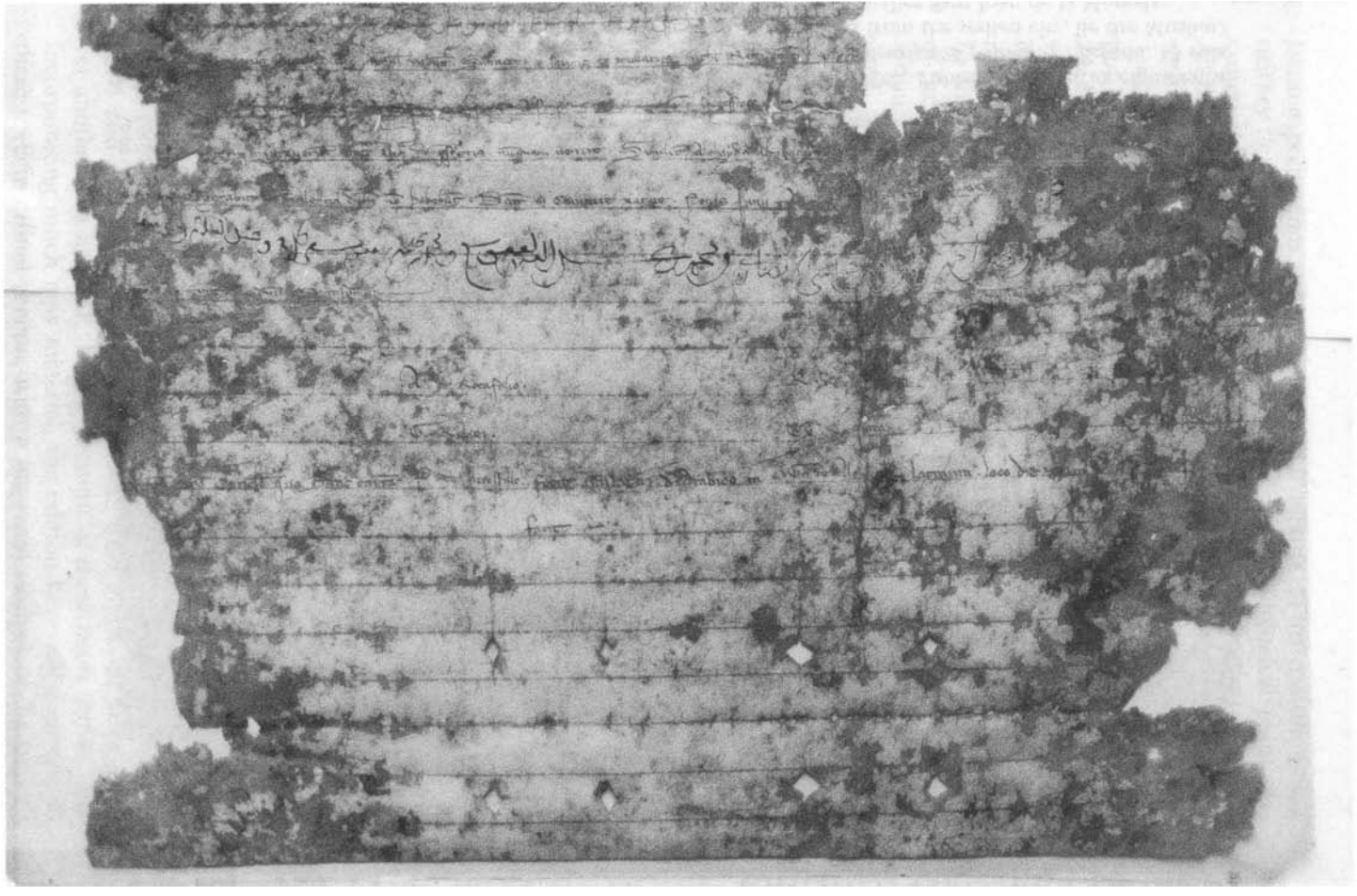

7. The Játiva Treaty (1244), *bottom half*. Arxiu de la Corona d'Aragó, Barcelona; Cancelleria Reial, Jaume I, Pergamins: Apèndix 41.

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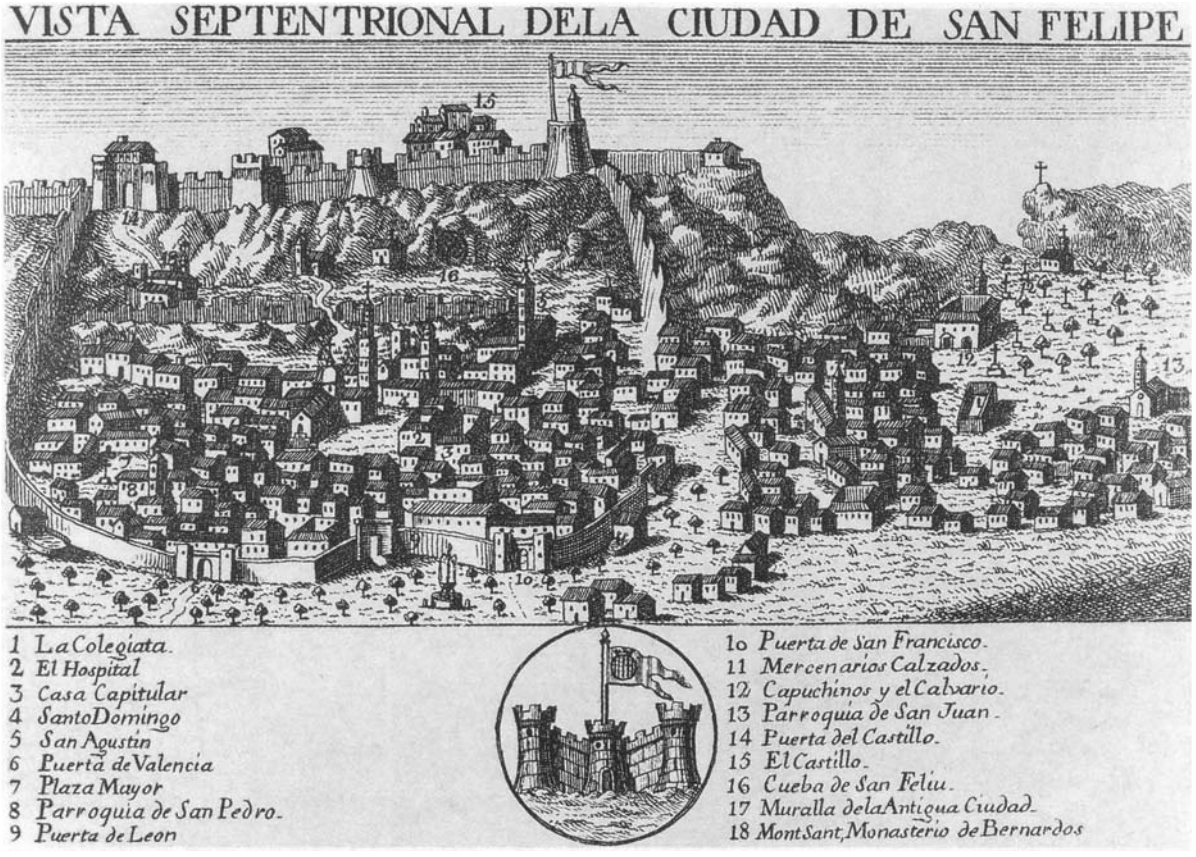
VISTA SEPTENTRIONAL DELA CIUDAD DE SAN FELIPE
1 La Colegiata.
2 El Hospital
3 Casa Capitular
4 Santo Domingo
5 San Agustin
6 Puerta de Valencia
7 Plaza Mayor
8 Parroquia de San Pedro.
9 Puerta de Leon
10 Puerta de San Francisco.
11 Mercenarios Calzados.
12 Capuchinos y el Calvario.
13 Parroquia de San Juan.
14 Puerta del Castillo.
15 El Castillo.
16 Cueba de San Feliu.
17 Muralla dela Antigua Ciudad.
18 Mont Sant, Monasterio de Bernardos

8. Játiva, Town and Twin Citadels, ca. 1700, by Antonio Palomino (1653-1726). Published under its eighteenth-century name "San Felipe," in Bernardo Espinalt y García, *Atlante español o descripción general . . . España*, 13 vols. (Madrid, 1786-1789), IX, estampa 7. At the right or western side, separated from the walled city, lie the Muslim/Morisco quarters both of Les Barreres and (further to the right) the smaller Sant Joan de la Moreria.

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Islamic polity into a Mudejar "feudal" status. (This transition was neither "continuist" or "discontinuist," a methodological point discussed at length in the first chapter of his *Muslims, Christians and Jews*.) All this in turn stimulated a larger interest by historians of the local scene such as Pierre Guichard and Ricard Bañó Arminyana.

In 1977 Momblanch expanded his offprint to include a transcription and translation of the Arabic by M.C. Barceló Torres with Zouhir Khranji, with a gloss of comments. This pioneering effort, while useful, presented problems. It was obscurely and privately published by an Alicante bank, and is very difficult to find even by determined searchers on the local scene. Search was further discouraged by the circumstance that this bibliographical item was an expansion of the more accessible previous article, promising no surprises. More serious, when finally tracked down, were flaws in the transcription itself. When the eminent Valencian philologist Manuel Sanchis Guarner died in 1981, a contribution to the commemorative *festschrift* was a brief preliminary version of the present study by Robert Burns and Paul Chevedden with Arabic transcription and linguistic analysis. The printed results were typographically disappointing. The study had also been prepared in Catalan, rendering it inaccessible to most Arabists, Orientalists and Medievalists. The symposium appeared not as a book but as articles in the local journal *L'Espill*, adding to its inaccessibility. And the unproofed article had gathered many errors, omissions, and changes. Meanwhile, by one of those parallels unfortunate in scholarly work, Barceló Torres simultaneously prepared a second version of her transcription, published in the 1982 issue of *Saitabi*, a journal of local history and culture at the University of Valencia. Her improved text still presented many problems, noted below.

A thorough revision and critical edition was needed. Burns and Chevedden provided this in 1989, presenting the Arabic and Romance in rigorous new editions in the academic journal *Der Islam*. Unfortunately unaware of this elaborate edition of 1989, Guichard reprinted the Arabic portion of the treaty in his *Musulmans de Valence* in 1991 but followed the flawed first printing or 1984 version by Burns/Chevedden. Worse, he drew upon the Barceló transcription of 1982 (revising the 1977 Barceló-Khranji offering in Momblanch) to nuance the Arabic, along with some suggestions by A.-L. de Prémare. Thus two flawed versions, the badly printed Burns-Chevedden of 1984 and the reworked Barceló of 1982, were conflated to produce yet another text in 1991. Taking account of these latest moves, and incorporating much new material, the edition here will confront all these texts in a final version, with a thorough analysis of the treaty's

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stylistic as well as contextual idiosyncrasies. The unique pact of al-Azraq merits this careful attention and diffusion.[10]

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[10] The preliminary Burns-Chevedden edition is in "El tractat de rendició d'al-Azraq amb Jaume I i l'Infant Alfons en 1245: el text àrab i el context valencià," in *Homenatge al Professor Manuel Sanchis Guarner (1911-1981)* as an issue of *L'Espill,* XVII-XVIII (1983), 242-257. The improved and elaborated edition is "Al-Azraq's Surrender Treaty with Jaume I and Prince Alfonso in 1245: Arabic Text and Valencian Context," *Der Islam,* LXVI (1989), 1-37 with full-size facsimile photo. Roque Chabás, Romance text in *El archivo*, I (1886-1887), 204-205; F. de P. Momblanch y Gonzálbez, "El rey D. Jaime y las guerras de Alazrach," *VII Asamblea de cronistas oficiales del reino de Valencia* in 1968 (Valencia: 1970); and his *Al-Azraq, capitán de moros* (Alicante: 1977), privately issued by the Caja de Ahorros de Alicante y Murcia. María del Carmen Barceló Torres, "Documentos árabes de al-Azrāq (1245-1250)," *Saitabi*, XXXII (1982), 27-41. See too her historico-linguistic work, *Minorías islámicas en el país valenciano: historia y dialecto* (Valencia: 1984), pp. 64-65. Pierre Guichard, *Musulmans de Valence*, II, appendix, doc. 68a, Arabic transcription and translation. Burns, *Islam under the Crusaders*, pp. 283-325; on dates see his *Muslims, Christians and Jews*, pp. 257-261.

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CHAPTER TWO

THE AL-AZRAQ TREATY

The treaty between James the Conqueror and al-Azraq disconcertingly bears different dates in its Muslim and Christian portions. Since it is a single treaty, merely interlineated in two languages, and since the dates seem hopelessly irreconcilable, this circumstance of chronology has posed a mystery for historians. The contradictory dates are respectively of the Islamic Hijrah and of the curious Spanish Era, yielding both 1244 and 1245. The Romance sixteenth day of April in the Spanish Era 1282 contrasts with the fifteenth of Dhū al-Qaʿdah of the Islamic year 642. The divergence demands serious exploration.

The Mooted Date

Historians have marshalled arguments for following only one date, either the Romance or the Arabic. Since the date was of crucial practical importance to each party, involving a third of all revenues at stake and also the deadline for turning over castles, making one choice is unacceptable. M.C. Barceló Torres has suggested that the conquerors drafted their own version, leaving alternate lines free for the Arabic, only to have al-Azraq hold out for more negotiations and advantages. Thus, a year later the Arabic was supplied. But the elaborate preparation of a dated and validated charter—half of whose Romance portion is in the name and person of al-Azraq himself—would have been a very odd procedure for either the army or a chancery. It also runs counter to internal evidence, which favors the Arabic of 1245 as the first text laid down. Nor are the two versions substantially different in material gains; and any substantial gain, by which the Arabic text would have canceled or contradicted the Romance, leaves us with a self-contradictory charter, a diplomatic anomaly. The month and day are so suspiciously close, though a year apart, as to indicate identity of time. And in the improbable scenario of an early document leaving interlinear spaces for an Arabic variant of a year later, the scribe responsible for this joint document would at least have corrected the year. Nor can the parchment be a late copy, perhaps careless in its details. It bears the original notarial mark, highly significant, and every indication of an original witnessed-and-

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sealed charter. Any original would shortly have been voided, anyway, with no need for copies, by al-Azraq's revolt only two years later in fall of 1247. More fundamentally, the dates can actually be shown to refer to the same year and day.

If the year was 1245 (as in the Arabic version) and the day April 16 (as in the Christian version) then the surrender took place on Easter Sunday, the most central and triumphalist feast in the whole Christian calendar. In honor of that circumstance, the Christian scribe seems to have employed the Resurrection Year or *mos gallicum* to make a new year begin on April 16. Since the charter came from the chancery of the Aragonese prince, in his region's language, the scribe had to express his choice in terms of the Spanish Era by adding thirty-eight years. The Arabic scribe composed his neat lines and gave them to the Romance scribe to interlineate on Holy Saturday, the April 15 of the Arabic date line. There would have been no inclination on the part of the Christians to schedule the usual Te Deum and triumphal entry until Easter Sunday, April 16. The previous Holy Week up to late Saturday was Christendom's long fast and penance, without even the comfort of Mass itself on Saturday the fifteenth. The Romance scribe set down his text's day as April 16 because that would obviously be the effective day of the ceremony, and perhaps also because he wrote late on Saturday when the Easter Vigil did allow him to use the Sunday date by anticipation. Thus the sequence of two days, and the necessary delay after the Arabic composition, make perfect sense.

Why then did the Romance scribe not put the Resurrection Year 1245, namely the Era 1283? A simple explanation is that he was actually writing in 1244, by the Resurrection Year, since 1245 would only begin on the next morning. The scribe did have the option of counting Easter and 1245 as having already begun with the vigil of late Saturday; since he entered the day as Sunday April 16, indeed, though writing on Saturday shortly after the Arabic scribe, he ought to have given the new year 1245 by anticipation. The circumstance that he was writing in the bleak penitential end of one year 1244 a document to go into effect on the glorious feast tomorrow in 1245 may have confused him. In that event, the entire difference in dates amounted to less than a full day. This was an understandable lapse—especially when the year and day, so basic to the Muslim signatories, had no centrality in the Romance homage document. But the Romance scribe may deliberately have posited the mixture of Lent 1244 and Easter 1245 as a celebratory choice. Or again, while the choice of 1245 might have seemed more logical for a composition written on the Saturday vigil, 1244 may have seemed more literal.

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In any event the year 1244 was never a possibility for the al-Azraq campaign or surrender. As a leap year, its Easter on April 14 (vigil on 13) does not fit either date on the surrender and thus allows no reconciliation of documents apparently a year apart. More to the point, King James and Prince Alfonso had no time in 1244 for the al-Azraq affair. In February 1244 a long-simmering revolt in Aragon found the prince at the head of a coalition of rebel armies at Calatayud against the king, with Castile supporting them there and on the Murcian flank. The king left his siege of Játiva then, for a series of stormy meetings with Castile and almost war, until the famous treaty of Almirra or Almiçra was signed with Castile on March 16. James then continued the siege of Játiva until his bilingual treaty there on June 5. There was no time in that sequence for the labor of reconciliation and union with his son, pacification of baronial grievances, and an invasion and conquest of al-Azraq's difficult domain. The treaty, whatever its scribal procedures, can only be dated 1245.

The Geography of War: Ḥiṣn, Qaryah

To appreciate this local scene, as well as to understand the Játiva campaigns below, we must look at the wider arrangement of castles and villages in the rural hinterlands of Mediterranean al-Andalus. Two overall visions contend as paradigms, one associated especially with Míkel de Epalza and Arabists generally, the other led by Pierre Guichard and a school of archeologists. Both parties recognize the obvious replication of the rural fortification called a *ḥiṣn,* (plural *ḥuṣūn*) related to a number of settlements (*qaryah,* plural *qurá*). These two terms are usually translated as castle and village, though each is understood as representing a range of sizes and importance. In the present debate the party of Epalza understands all the evidence to point to an urban society, whose hinterlands were defined by that wider urban character, and as a relatively traditional Islamic society. Urbanism as a dominant character is not static; an affluent commercial-maritime society such as Islamic Valencia influences and indeed transforms its surrounding agro-pecuarial hinterlands in many ways. Its rural areas also attract speculative investment by the city merchants. One can expand one's understanding of such a society by studying other urban societies of Mediterranean Islam, macrohistoriography thus illuminating microhistory.

A rural *ḥiṣn* in an urban Valencia becomes a military function of that larger society and polity. It forms part of the larger defensive network of the central ruling power or "state," and at the same time

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helps with collecting a district's taxes, which in rural Valencia probably came in kind and more from sheep and other livestock than from agriculture. In times of chaos, of course, the collapse of central and even regional government could throw rural areas back on themselves to survive for a time on local or leagued resources. In the general urban picture in normal times, however, the *ḥiṣn* as well as the villages or settlements were related to the state, and their psychosocial context was the defining network of small and large cities. The local *qā'id*, whether as military castellan or administrative governor for his rural *ḥiṣn* pattern, was an appointee of the central ruler or state.

In one of his most valuable studies, Epalza confines himself to contemporary Arabic sources, and mostly to the Valencian official and writer Ibn al-Abbār (1199-1260), to show how the Islamic Valencian regions were organized precisely on the eve of King James's crusade. Epalza underlines "the urban character of Valencian Arabic society" that emerges. He sees the politico-administrative arrangement as a pyramid: the metropolis cities such as Valencia and Játiva, the lesser district capitals dependent on a metropolis, and the many ordinary centers of population from town and village to simple place. Ibn al-Abbār "very frequently" uses the term *qaryah* to designate that last range of population centers dependent upon a district city (*'amal*). Ibn al-Abbār does not use the term *rafal/raḥl*, and nothing in his writings encourages us to see it as meaning personal property as against collective. Epalza insists, "against the opinion of Pierre Guichard, that the *qaryah* meant merely nuclei of population" without the least hint of collective or communal possession. Finally, both the juridical and military organizations were directed by the regional capitals and the main capital. Epalza deploys the data of Ibn al-Abbār in extensive analysis and in five maps. In general, he sees urban and rural Islamic Valencia as "clearly complementary, though the country was somewhat subordinated to the city." Urban authorities "controlled the roads and defensive systems, while absentee landowners generally monopolized the principal font of agricultural wealth."[1]

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[1] Míkel de Epalza, "L'Ordenació del territori del país valencià abans de la conquesta, segons Ibn al-Abbār (segle XIII)," *Sharq al-Andalus: estudios árabes*, V (1988), 41-67; and his "Islamic Social Structures in Muslim and Christian Valencia," with full collateral citations, in *Iberia and the Mediterranean World of the Middle Ages*, vol. I, *Studies in Honor of Robert I. Burns S.J.*, ed. Larry J. Simon, vol. II, *Essays in Honor of Robert I. Burns, S.J.*, ed. Paul E. Chevedden, Donald J. Kagay, and Paul G. Padilla (Leiden: 1995-1996), II, 179-190; and "El marc geogràfic: els espais humans" in Rubiera/Epalza, *Xàtiva musulmana*, ch.1.

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The vision represented by Pierre Guichard is diametrically opposed. The *qaryah* becomes the focus of attention, with the *ḥiṣn* as villagers' refuge and defense. The *qā'id* diminishes radically in function and importance. An element of this vision is Guichard's conviction that the countryside of the Valencian regions had been heavily Berberized, so that its villages operated as collective tribalized communes, without either absentee or presiding proprietors. These rural autonomies with their refuges might link into wider defensive networks, and of course occasionally received a garrison or *qā'id* for its *ḥiṣn* from the distant ruler. Guichard's pattern of refuge-cum-villages can be divorced from his hypothesis of socio-political Berberization; but the fusion is vital to his larger vision, by which the Christian conquest must necessarily have brought maximum economic and social dislocation, displacing communal organizations with a structure of individual tenures under a proprietor. This view does not deny the many cities and towns of various categories; it simply sees them as floating above the autonomous rural scene, strangely unrelated, like a colonial power merely exploiting the independently organized rural areas, without impact. Aristocratic elements did hold some rural properties separately and somewhat marginalized; these would be the *rafal/raḥl* elements in later Christian records. This ensemble constituted "a tributary society," where disjunction is the key to understanding its parallel urban and rural components.[2]

The polemic has recently been renewed in a vigorous, indeed confrontational, book by Thomas Glick, a specialist in medieval Valencian irrigation technology. Drawing upon decades of archeologists' findings in Spain, as well as on the exiguous historical evidence bearing on rural life, Glick favors the archeological methodology of proposing speculative paradigms. Where history fails, archeology encourages exploration via provocative and seductive theory. Glick sees "the *ḥiṣn-qarya* system" or "paradigm" as nearly universal in rural Islamic Spain, and already "in place by the ninth century in its essentials." He allows for evolution into later categories, though he refuses to follow the archeologist Karl Butzer's opinion for northern Valencia that "by 1200 there probably was little difference between the typical

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[2] Guichard's nuanced expression of this position is now in his major work, *Musulmans de Valence*, though largely omitting for reasons of space the Berber thesis. See especially I, 19, 26, 169, 203, 207, and II, 197-204, 223, 227, 235. His bibliography there directs the reader to his many studies, as well as to those of supportive colleagues such as Miquel Barceló and Ángel Poveda Sánchez. For an overview see especially Guichard, "Valencia musulmana" in *Nuestra historia*, III, 1-107. See also his recent "Els berbers de València una vegada més: resposta a Carme Barceló," *Afers*, VIII (1993), 224-232.

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ḥiṣn and the typical [fortified] *qarya.*" The basic unit involved the castle, an attached walled refuge, a village, and seven to ten dependent villages. Villages "were, at least in principle, settled by tribal segments or clans and farmed collectively." The *qaryah* was a "tribal or clan space," with "no proprietors other than the tribal collectivities," without absentee proprietors or proprietor-sharecropper arrangements.

Like Manuel Acién Almansa, Glick does not follow Guichard's radical disconnection of the *qā'id* from the essentially autonomous rural communities his castle served as refuge. Where Guichard obsessively fears that such a delegate of the central government might turn into a "feudal lord" on the European model, Acién has the villages directly depend upon the *ḥiṣn* of the *qā'id.* Glick has the castles serve as "nodes of social organization" and has the unit of castle-refuge-village-dependent-villages also form part of a wider "castral territory." Though a given *ḥiṣn* might serve in the role of a district administrative center, the castle generally defended its *qaryah* cluster mostly by serving as a refuge. The central government "only occasionally garrisons it," and it does "not necessarily control" its villages. In maximizing the autonomy and collectivist structure of the *qaryah,* Guichard had stressed the tribal nature of a putatively extensive Berber settlement in Valencia, though he did not depend necessarily on that hypothesis. Glick also draws back from resting his paradigm necessarily on a Berber foundation. He displaces Guichard's radically independent clan in each village by a more open entity related to the wider rural society in "a complex and multileveled web."[3]

Alongside the confrontation between an urban-statist model and an autonomous Berber-collectivist rural model, the work of Rafael Azuar Ruiz must be noted. He has proposed that the term *ḥiṣn* in a countryside designated primarily a jurisdiction over a segment of al-Andalus population (not territory), an institution and dynamic rather than an edifice. Such an administrative center could be in a town, or

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[3] Thomas F. Glick, *From Muslim Fortress to Christian Castle: Social and Cultural Change in Medieval Spain* (Manchester, Eng.: 1995), especially chaps. 2, 6. He relates the success of the Guichard paradigm to the wider historiographical revisions of the *incastellamento* theories in European medieval studies, by a functional analogy where "everyone felt threatened" and devised new forms of social organization. The paradigms of archeologists particularly give coherence and stimulus to this approach. A comprehensive bibliography is provided for the debate. See also Glick's "Berbers in Valencia: The Case of Irrigation," in *Iberia and the Mediterranean World,* II, 191-206. And see Manuel Acién Almansa, "Sobre la función de los *ḥuṣūn* en el sur de al-Andalus: la fortificación en el Califato," *Coloquio hispano-italiano de arqueología medieval* (Granada: 1992), 263-274.

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a castle, or wholly without a castle, or involved in a scattered complex of local strongholds but no one specific stronghold. The direct representative of the central power at such a *ḥiṣn*, the *qā'id*, external to the local communities, might therefore be affiliated with a castle or completely without defenses. In times of collapse of central power, as in pre-crusade Valencia, the more military of such figures could find leadership and regional rule devolve upon themselves, as presumably with al-Azraq.

One of al-Azraq's castles will particularly fit this scenario of a non-fortified or merely administrative *ḥiṣn*, while another of his holdings described as a *qaryah* seems clearly to belong to the category of strongly fortified village as the center for lesser villages. In exploring the castle system of the Denia hinterland archeologically, Azuar Ruiz finds not only an administrative-fiscal network of Islamic fortifications at our period but also a morphology characteristic of these frequently polygonal walled population centers. He rejects the conclusions of J.A. Gisbert Santonja and of Guichard that these were Almohad constructions or refuges inhabited only as defenses during crisis. Azuar Ruiz concludes that they are rather walled settlements, with fortications from the Almoravid period of the early twelfth century.[4]

Particularly relevant to the whole discussion of castles and defensive systems on the eve of King James's crusade, with their meaning for the al-Azraq situation and that of Játiva, is an intricate dissertation just published by Francisco Franco Sánchez. This study of Islamic "roads and defenses," west and south of the Valencian regions but with applications made to Sharq al-Andalus or eastern Spain, delineates first a traditional Umayyad system adapted from the Byzantines, by which strings of elevated fortresses and towers served less to impede attack than to communicate back to the cities where state garrisons could respond. In the twelfth century the Almohads would "profoundly" restructure that system to meet increasing Christian attack. Castles multiplied but now were usually positioned lower, each with a semi-independent network of supporting towers and fortifications and

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[4] Rafael Azuar Ruiz, "Una interpretación del 'ḥiṣn' musulmán en el ámbito rural," *Revista de investigación y ensayos: Instituto de estudios alicantinos*, XXXVII (1982), 34-41. For his Denia conclusions see his *Denia islámica: arqueología y poblamiento* (Alicante: 1989), pp. 69-84, 348-350, 420-442. Of interest too is Patrice Cressier, "Le Château et la division territoriale dans l'Alpujarra médiévale: du *ḥiṣn* à la *ṭā'a*," *Mélanges de la Casa de Velázquez,* XX (1984), 115-144, including the "frequent" revolts, often by those who governed the *ḥuṣūn*, and the administrative phenomenon of a group of *qurá* (Spanish *alquerías*), from four to a dozen, organized around a *ḥiṣn* within a recognizable geographical "zone" of an area rarely exceeding fifteen kilometers in diameter (seacoast units large, central units small).

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with its own troops and resources. Each main fortress "became a nucleus that centralized the defenses of a concrete area of a frontier which was now not road-oriented" but instead "spatial" as a large zone. Thus "in the Almohad period the frontier facing the Christians comprised a large number of fortifications," each main castle "a defensive entity by itself with its own troops and outlying defensive towers." The "visual interconnection" central to the traditional Umayyad system was now neither necessary nor the norm. Though cities remained central to the state defense organization, these regional castle networks afforded flexibility and strong defensive zones in frontier areas such as the Sharq al-Andalus. Franco Sánchez does not carry his analysis into the Almohad breakup that produced dynasts like al-Azraq and Játiva's *qā'id*, but the implications seem clear.[5]

The Guichard-Glick model of castle and village seems aprioristic, programmatic, and somehow flattened or homogeneous, the product of the historian's ingenuity rather than reflecting the confusion and variety of life. I have extensively critiqued it and have offered evidence for my counter positions. In rural tenure, I conclude to a society of multiple minifarms under free farmers in every kind of pattern, including some use of the sharecropper or *sharīk* (though his presence is usually concealed from us by crusader records since they deal with the primary owner). As against collectivist autonomies, the agricultural and stockraising scene would rather resemble the medieval Tunisia (Ifrīqiyah) studied by Mohamed Talbi: "enormous diversity," "very heterogenous," a "mosaic" of patterns and holdings.[6]

Two challenges to the Guichard-Glick model are particularly pertinent to the present study of al-Azraq and of the Játiva campaigns. The first concerns the military nature of al-Andalus and especially of Valencia's castles. Évariste Lévi-Provençal and others had long instructed us in the great numbers of fortifications or strongholds in Spanish Islam for interior control, general defense, protection from deep raids, and watchtower or communications functions. Since Islam had no concept of linear political boundaries but rather zones of

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[5] Francisco Franco Sánchez, *Vías y defensas andalusíes en la Mancha Oriental* (Valencia: 1995), especially pp. 333-338, 346-347, and 357-360.

[6] See for example Burns, "Castles in Valencia: Morphology and Meaning" in his *Muslims, Christians, and Jews in the Crusader Kingdom of Valencia: Societies in Symbiosis* (Cambridge, Eng.: 1984), pp. 32-37, 216-219 on the *ḥiṣn*; pp. 46-48 and 216-218 on the *qaryah*; and 46, 48, 143-144 on the *raḥal*. Mohamed Talbi, "Law and Economy in Ifrīqiya (Tunisia) in the Third Islamic Century: Agriculture and the Role of Slaves in the Economy," in A.L. Udovitch ed., *The Islamic Middle East, 700-1900: Studies in Economic and Social History* (Princeton: 1981), pp. 209-250.

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transition, this network of defense could begin deep within a region.[7] The term *ḥiṣn* covered a great variety of defensive situations from negligible to impressive, and while castle does not cover them, neither is fortress or fort or fortification universally suitable. Castle has become the accepted translation and may have the fewest problems, as long as the reader does not encumber it with a European sociopolitical framework and also understands how very diverse these defenses usually were.

The primate of Spain at the time of Valencia's fall, the noted historian and crusader Rodrigo Jiménez de Rada, remarked that Islamic Valencia was "pre-eminent by [its] many fortified places." Bernat Desclot, who was probably King James's functionary Bernat Escrivà, described the Valencian regions as "well-castellated with many strong castles," including "three hundred castles of stone." The Aragonese baron Blasco de Alagón, who had spent two years in exile in Islamic Valencia and was advising King James on how to inaugurate a conquest there, warned him that "forty or fifty" castles there could each hold against "all your power" as long as their provisions lasted. And the king in his nearly fifteen-year struggle to subdue a fragmented Valencia experienced these defenses as formidable, requiring a strategy of guile and bypassing enemy positions as well as heavy fighting at relatively small defenses. His short-term armies, poor logistics, raid-and-grab tactics of his barons, and inability to deploy his cavalry in mountainous country, all worked against him. On the Islamic side, civil war to the point of chaos and continuous breakup invited Christian attack and facilitated conquest.[8]

The second challenge pertinent to the present book concerns the leaders or defenders who emerged to champion Islam against the Christians invading Valencia. Andalusī localism, by which local heroes seized district or regional power in times of crisis, was a well-attested phenomenon. In the thirteenth century Ibn Saʿīd al-Andalusī contrasted the more stable eastern Mediterranean with an Andalus known for revolutionary heroes. The late twelfth-century Ibn Jubayr commented on the same situation of fragmented rule in al-Andalus.

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[7] R.W. Brauer, *Boundaries and Frontiers in Medieval Muslim Geography*, American Philosophical Society Transactions, LXXXV, part 6 (Philadelphia: 1995), especially pp. 26-30, 65-69.

[8] Rodrigo Jiménez de Rada, *De rebus Hispanie*, in his *Opera*, ed. M.D. Cabanes Pecourt, 1 vol. to date (Valencia: [1793] 1968), book 6, c. 5, p. 121: "qui multis munitionibus preeminebat." Desclot, *Llibre del rei En Pere*, c. 49: "e ben encastellada de molts forts castells, que sol en lo regisme de Valencia ha tres-cents castells de roca que no temen null hom." James I, *Llibre dels feyts*, c. 128: "be n'i à XL o L ... vós ni tot vostre poder no·ls poríets pendré."

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Ibn Khaldūn, examining our period of Almohad dissolution in Spain from the defeat at Las Navas in 1212 to the fall of Valencia and Córdoba, as noted above, says that "every *qā'id* or man of influence" who had followers or a castle made himself a ruler, so that there seemed to be as many kings as there were "castellated towns." Alfonso X the Learned, contemporary and rival of James the Conqueror, made a similar assessment. Ibn Khaldūn even describes the sociological process by which such leaders surfaced everywhere. He also cites the case of late twelfth-century Zīrid Tunisia or Ifrīqiyah "when every castle was in the possession of an independent rebel."

ʿAzīz Aḥmad and Henri Bresc each encountered the same situation in Islamic Sicily in the anarchy before the Norman conquest. Bresc found the big Muslim families dividing the island, each *qā'id* having his castle. Ramon Muntaner, a junior contemporary of King James, explains how the king "made truces with many Saracen barons that were in the said [Valencian] kingdom," each such "baron" or leader thereafter being responsible for forwarding the taxes. Looking back from the mid-fourteenth century, the chronicle of San Juan de la Peña records that "many Saracens holding castles in that [Valencian kingdom] remained" until the later rebellions. Against this background of a multiplicity of strongholds and walled towns, with many local leaders emerging and even surviving under the conquerors until the later rebellions, the figure of al-Azraq takes on wider context and meaning. The difficult and challenging character of King James's war also becomes clearer. A paradigm or model that does not take this wartime situation into account obscures the narrative. However stimulating and plausible, a paradigm can impose an alien order on a jumble of information, closing off prematurely the more complicated possibilities.[9]

Treaty Content

To appreciate the document's content, one should visualize the immediate geographic setting. The Mediterranean coast of Spain sweeps outward in a great curve below Valencia, with the historic port of Denia at its point. The hinterland here is a tumble of moun-

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[9] For Alfonso X and Ibn Khaldūn see above, chap. 1, note 2. For Ibn Jubayr and Ibn Saʿīd see Burns, *Islam under the Crusaders*, pp. 356-357 and notes. For ʿAzīz Aḥmad, Henri Bresc, Ramon Muntaner, the San Juan chronicle, and Ibn Khaldūn again, see Burns, *Muslims, Christians, and Jews*, pp. 28-30 and notes.

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tains, concealing many valleys protected by small castles and fortifications. Negligible to the modern eye, such defenses both separately and in the aggregate were experienced by King James's armies as strategically and tactically difficult, even when sited in more normal countryside. These castles-cum-valleys arrange themselves on the map in four parallel tiers, like successive military fronts or sets of obstacles, each tier of obstacles protecting the set behind it. James established his forces in the first such range, at Laguart Valley. Al-Azraq's central headquarters castle lay in the middle of the third inner tier at Alcalá castle and valley; it was here that he welcomed Prince Alfonso and signed the treaty. What the Muslim immediately yielded by this signing was merely the two valleys-cum-castles below Laguart, in the first, more vulnerable tier.

What does the treaty's content tell us? The interlinear Castilian comprises not one but two documents, the first speaking in the name of al-Azraq, the second constituting Alfonso's reply. In the first, al-Azraq appears as "Habuadele Yuan Fudayl," vizier and lord (*senor*) of Alcalá; the flourished middle component of his name was not a Castilianate affectation "Juan" as some have thought, but merely "Yuan" for "Aven" or "Ibn." The Muslim here proclaims publicly that "I make myself your vassal, lord Don Alfonso, first son of the king of Aragon." He gives the Infant (Prince) Alfonso eight castles (*castielos*) "with their villages [*alcarias*] and jurisdictions," their pasturage, and other unspecified rights. He turns over Pop and Tárbena castles immediately, retaining his castles of Alcalá and Perpunchent "for my family [*linage*]" permanently. He keeps the other four for three years only, giving half their revenues to Alfonso now, and all the revenues and possessions "free and quit" when the three years end. A final provision licenses the Muslim to acquire more castles in the immediate future from fellow rebels as part of the ongoing crusade: "as many castles as I can win [*ganar*] from now on for three years." For these also he must give "half the revenues," turning them over completely to Alfonso after three years.

Alfonso's counter document within this Romance text describes him as "the prince [*infant*], first son of the king of Aragon," who "receives you" as his "cherished and very exalted and honored and faithful vassal." The prince confers the two main castles on the Muslim's family, "to give, sell, pledge," or treat in any way. He also gives for three years the revenues of "two villages [*alcarias*] Ebo and Tollos," named in the homage. Finally, Alfonso swears to abide by the agreement "just as is written above" in the first Romance document, on condition that "you be my vassal for the castle of Alcalá and for that which I give you."

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The Arabic text is neither a translation of the Castilian nor the original for a Romance paraphrase. Though loosely a counterpart, it is a single document. Above all, it approaches the agreement in quite a different spirit. It contains no mention of vassalage, fidelity, personal obligation, or even Islamic allegiance (*bayʿah*), or obedience. The stance is objective and impersonal. The only concession to a relationship is an introductory phrase noting that this agreement is published as "a noble decree ordered by the exalted prince" Alfonso, and implicitly that a tributary or clientage status exists. Nor is there any emphasis on a lasting arrangement—beyond the Muslim's keeping his own main castles for "the duration of the reign of the exalted prince." It spells out those details which protect al-Azraq's rights then and forever. Even where content coincides with the Romance text, the Arabic presentation is more businesslike, its dominant note clarity. Arabesques are reserved to the exordium, briefly conceding honorifics which carry no obligation. By contrast, contemporary Arabic documents here tend to be incandescent with the usual honorifics which carry no obligation. It is important to keep in mind in all this the very different meanings that tributary status in al-Andalus had for the Muslim as against the Christian. Míkel de Epalza has explored this traditional rationalization by Muslims of such tribute as a koranic "military payment," an expedient device to forestall the enemy, creating a situation therefore without intended permanence and without real subordination to the infidel.[10]

One of al-Azraq's provisions reveals that he is negotiating from strength, retaining the military status quo: "property and retainers may remain" in all his castles [*ḥuṣūn*] until three years are up. After spelling out the loss of Pop and Tárbena "which he will now hand over," he retains "Alcalá castle with its revenues and the revenues of the villages of Perpunchent," and for three years the other four castles plus "the revenues of Ebo and Tollos." For the four castles, the Arabic version specifies revenue in line eleven as "the tenth" (*al-ʿushr*), namely the classic Islamic tenth of produce. A particular note in the Arabic is the agreement by Alfonso to give to "the *qāʾid* Abū Yaḥyá b. Abū Isḥāq, the ruler [*ṣāḥib*] of Castell," two villages in perpetuity.

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[10] Míkel de Epalza, "La tradición andalusí de las parias-pagas militares en la política de Jaime I y Alfonso X," *Alfonso X el Sabio: vida, obra, época*, international congress 1984, résumés under that title (Madrid: 1984), pp. 20-21, and his "Attitudes politiques de Tunis dans le conflict entre Aragonais et Français en Sicile autour de 1282," *XI Congresso di storia de la Corona d'Aragona,* 3 vols. (Palermo: 1983-1984), II, 579-601, with his works as announced there in preparation in his note 26. See also below, chapter 10.

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The item rescues from anonymity either a coordinate ally or possibly a subordinate castle warden.

Finally, the surrender is converted into an alliance: "whatever castles [*ḥuṣūn*] the vizier obtains for the ruler of Aragon, either by force or by capitulation, the vizier will have half the revenue" for three years, after which "he will hand them over" to the prince. Here is a startling view of James's mountain campaign at its midpoint: there are more than a few castles outside al-Azraq's immediate control which remain unsubdued, and they are significant enough to enter the treaty as a special proviso. Some of these al-Azraq hopes to bring over "by their friendship" to capitulate; others can only be gained "by force." The Arabic phrase echoes a Latin formula which Abū Zayd, hard-pressed by his own rebels, employed when making a vassalage alliance with King James in 1229 and 1236. Those treaties promised James a share of all castles and places which Abū Zayd could recover *per potenciam aut ingenium,* whether the surrenders were "freely or by force," a phrase recurring several times in each.[11] Does the Latin in turn clumsily echo Arabic antecedents? We now know that, in our present agreement, the item itself meant something different to Alfonso and to al-Azraq. Since al-Azraq was to revolt before the three years were up, in a well-orchestrated rising which would occupy King James on and off for a decade, the Muslim has obviously planned to use these two years in rallying the neighboring aljamas secretly to his cause. On the other hand, Alfonso just as obviously felt he had turned this mountain leader around, removing the keystone of the enemy's defense system there. Though not the most important factor, this helps explain why King James's mountain crusade seemed to come to an end so swiftly, and why Valencia's region most formidably defended by nature as well as by a measure of defensive building seemed so meekly to have surrendered.

Other details may be gleaned from the Arabic. Islamic titles were a shifting screen designedly modest or ambiguous; only context can reveal a given authority's degree of power. Al-Azraq's preferred title was vizier: "the most illustrious *wazīr*, the noble, the highest, the most

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[11] *Colección diplomática de Jaime I, el Conquistador*, ed. Ambrosio Huici Miranda, 3 vols. in six (Valencia: 1916-1922), revised edn. by M.D. Cabanes Pecourt as *Documentos de Jaime I de Aragón*, 5 vols. to date (Valencia: 1976-), I, 223-226, doc. 119 (20 April 1229), "per potenciam aut ingenium;" and pp. 380-383, doc. 236 (28 May 1236): "que nos poterimus adquirere per nos ipsos vel per potenciam aut ingenium nostrum vel reddentur nobis gratis aut vi." Besides its more common translations as ruse, cleverness, deceit, pretext or reason, medieval *ingenium* could mean a charter or simply manner in general.

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eminent, the most exalted." The Romance text makes him "vizier and lord of Alcalá," *alguazil* (Catalan *algutzir* or *alguatzir*) expressing the Arabic cognate. Unlike its meaning in the East as a kind of prime minister, the term in Spain at this time was an indiscriminate honorific, attached to no specific office; the vizier could be a bureaucrat, courtier, peace officer, governor, main minister (as at Murcia), or a class of administrators (as at Tortosa). Like the leaders of Alcira and Crevillente (each using *ra'īs*) or the dynast of Játiva (as *qā'id*), the "lord of Alcalá" had chosen a suitably modest equivalent for independent local ruler, which did not exclude an undefined loyalty to some distant large power. Beyond his title, the document merely gives al-Azraq's *kunyah* and his father's name.

As for the Christian party, "Dūn Alfunsh" becomes in the Arabic "the exalted prince [*al-malik*], the heroic, the most fortunate, [he whose beneficence is] hoped for [and] sought, the Infante [*alīfant* for *al-ifānt*]." He is the "son of the exalted king [*al-malik*]." King James is the *ṣāḥib* of *Araghūn*, while both he and Alfonso share *malik*; but the latter term had long ago declined in Spain from meaning "king" to vaguely designating local rulers, governors, or mere functionaries. What is significant is that the Arabic text directly associates King James in the treaty in line 12. This directly relates the treaty provisions to King James, as "the ruler of Aragon." It is for King James, in this provision, that al-Azraq is to "obtain castles" by force or by peaceful agreement. This line of the document clearly establishes James as the hand behind the treaty, and the main ruler with whom al-Azraq associates himself, with the prince clearly subordinate to James in this enterprise. In another context, al-Azraq conceded a wider title to James: "ruler of the Christian lands, and ruler of eastern al-Andalus" or eastern Islamic Spain (*malik al-Rūmīyah wa-malik Sharq al-Andalus*), perhaps reflecting the flattery of rebel politics.[12]

Al-Azraq's Castles

The eight castles in the text can be translated and located. English "castle" here, for the text's *castielo* and corresponding *ḥiṣn*, is of course a term of convenience. Even if the thesis of Rafael Azuar Ruiz is adopted, in which *ḥiṣn* can mean jurisdiction rather than a physical structure (as explained above), those *ḥuṣūn* which were indeed military

[12] Alarcón and García, *Documentos árabes*, doc. 154. On titles see Burns, *Islam*, ch. 15.

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forts or strongholds played a very different role within the socio-political dynamics of al-Andalus than in the Spanish Christian world. This was true even though Aragonese castles, with which Prince Alfonso was most familiar, were also non-residential at this time (unlike those of the Catalans). Whatever terminology be preferred, the eight places are not difficult to locate. The Romance Alcalá, the Arabic text's al-Qal'ah, was al-Azraq's central Vall de Alcalá. King James's autobiography tells how he later pursued al-Azraq to Alcalá, "because he had his main residence [*alberg major*] there rather than in [any] other place." This is usually identified as Alcalá de la Jovada (also Alcalá de Gallinera), now the valley's main town, where presumed fragments of this "palace" are shown. Ricard Bañó Arminyana, in his study of al-Azraq's later revolts, argues that this hamlet then called Lloc de la Jovada was merely one of several obscure hamlets together constituting the valley, and that al-Azraq's castle of Alcalá was modern Benis(s)ilí. Some 2,700 feet above the town of that name, Benissilí was the main stronghold of Alcalá Valley, though today it is reckoned as part of Gallinera Valley. Thus the "Alcalá" which King James designates as his military objective and as al-Azraq's "main residence" is either Benissilí castle or the entire complex of hamlets associated with and including it, but not merely the Lloc de la Jovada or modern Alcalá de la Jovada.

Bañó Arminyana goes further, interpreting "alberg major" neither as a building or in a general way as a residential headquarters but "as a [Mudejar] fief." This was not the normal meaning of *alberg*, however; and if it could bear this extraordinary meaning it must have been rare. Not only *alberg* (house, lodging) but also the related Catalan *alberga* could indeed have a feudal meaning. It then became a feudal term for the lord's right of hospitality-lodging or "residence" from his vassal; the corresponding Latin *alberga*, not in question here, had occasional masculine and neuter variants. While not entirely dismissing the possibility of the Alcalá *alberg* as vaguely al-Azraq's "fief," this meaning is either incorrect or very unlikely. More valuable and pertinent is Bañó Arminyana's identification of the Muslim's Alcalá castle as Benissilí. From the date lines on the king's charters we know that he was sieging "Alcalá" from 31 May to 3 June of 1258. Thus the target described in his autobiography as *alberg major* must be this castle, and in wider sense the associated Alcalá Valley.[13]

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[13] Bañó Arminyana, "Les sublevacions d'al-Azracq," p. 43. *Llibre dels feyts*, c. 376: "anam a Alcalà, car allí tenia son alberg major que en altre llogar." Joaquim Miret i Sans, *Itinerari de Jaume I "el Conqueridor"* (Barcelona: 1928), p. 275 (date lines). On *alberga* see Eulalia Rodón Binué, *El lenguaje técnico del feudalismo en el siglo XI en Cataluña*

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In our al-Azraq charter, Castiel or the Arabic Qashtāl is Castell de Castells (also Castells de Serrella), whose castle on nearby Penya del Castellet lies a near total ruin. Romance Churolas, the Arabic text's Jurūlash or Jarūlash, is a problem. Chabás and Momblanch conjectured that it was Cairola, now a ghost town not far from some castle ruins in the Vall de Ebo. One should resist matching it with the hamlet of Chirles (Catalan Xirles) in the Polop district. The most likely identification is Cheroles, described by King James both as "the castle of Seta and Cheroles" and "the castles of Seta and Cheroles with their districts."[14] The etymological fit, its location in the Vall de Seta, and its abrupt appearance in James's possession in spring 1258 when the defeated al-Azraq was going into exile, all support the identification. Romance Galinera, the Arabic text's Ghallinayrah, is the Vall de Gallinera with its eight towns, its castle at Benimarsoc, and today the "Alcalá" castle at Benissilí. Romance Margarita castle, the Arabic Marghalīṭah, is near present Margarida town. Guichard has pioneered the study of this odd defense, which seems to have been a natural peak refuge, its flattened top affording a space 240 by 100 feet. An "impressive and inaccessible" rock rearing up like a castle itself, he believes "it needed no artificial defenses" built on.[15]

Romance Borbunchen, Arabic Burbunjān, is Perpunchent near Lorcha in the valley of the Benicadell sierra. Was there an Islamic defense-work of some kind at Perpunchent at that moment, a forerunner or element of the crusaders' own castle there? In a local boundary case in 1268, on the testimony of "elderly Moors of the

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(Barcelona: 1957), pp. 15-16 and index; Pierre Bonnassie, *La Catalogne du milieu du X^e à la fin du XI^e siècle: croissance et mutations d'une société,* 2 vols. (Toulouse: 1976), I, 159 and II, 585-586; Antoni Alcover et alii, *Diccionari català-valencià-balear,* 10 vols. (Palma de Mallorca: 1930-1962), I, 430; Charles du Cange, *Glossarium mediae et infimae latinitatis,* 9 vols. (Niort: 1883-1887), I, 165-167; and Joan Coromines, *Diccionari etimològic i complementari de la llengua catalana,* 9 vols. (Barcelona: 1980-1991), I, 146-147. Azuar Ruiz studies the Benissilí castle which closes the Gallinera Valley at its south and dominates the road to Cocentaina, as well as the Ebo Valley *alqueria* (see just below) depending on Gallinera, in *Denia islámica: arqueología,* pp. 77-79 (Benissilí with map and plan), 83-84 (Ebo *alqueria,* no castle, with map), 348-350 and 420-421 (castle network, morphology). Josep Torró i Abad, "Prospecció toponímica i distribució del poblament: els despoblats de la Vall d'Ebo," *Afers,* II (1985), 227-248.

[14] Arch Crown, Cancelleria reial, Jaume I, reg. 10, fol. 103 (15 June 1258): "in termino de Cherolles in loco vocato Tollo inter Serellam et Font Avaram." Fol. 103v (22 May 1258): "in castris de Seta et de Cherolis et eorum terminis." Fol. 108v (4 April 1259): "alcaido de Ceta et de Cheroles." Reg. 16, fol, 211 (6 September 1270): "castrum de Seta et de Cherollis cum omnibus alcareis, terminis."

[15] Pierre Guichard, "Los castillos musulmanes del norte de la provincia de Alicante," *Anales de la Universidad de Alicante: historia medieval,* I (1982), 29-46, with input by Bañó Arminyana and others.

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neighborhood," King James ruled that "we are certain that in the time of the Moors there was no castle in Perpunchent formerly."[16] Our treaty's Romance text includes Perpunchent as one of its eight "castielos" in al-Azraq's name, and as a castle again in Alfonso's name; the Arabic text calls it a "castle" (*ḥiṣn*) along with the other castles in its list, but then later speaks only of village revenues there. This puzzle admits of several solutions. Among them is the archeological-documentary analysis by André Bazzana, Pierre Guichard, and J.M. Segura Martí. From Islamic Perpunchent's remnants of walls and a cistern, they conclude that it was an *albacar* or rural refuge-enclosure, with "no strategic function" or real military importance.[17] This interpretation owes something to analogy with cases of supposed refuges elsewhere in Valencia. Even if a refuge, as the term *ḥiṣn* applied here and at Margarida alerts us, Perpunchent would not have been strategically negligible. The experience of the king's armies in attacking refuges warns us that even they had a military and strategic significance, related to the limitations of invading forces and to the extensive networks of relatively passive defenses.

More can be said on this problem, however, from a novel angle. Míkel de Epalza's study on the Islamic *baqqār*, a common phenomenon, questions that this word meant a refuge, or even properly a fortification. A *baqqār* was simply a corral inside or outside an Islamic city, or also in rural areas, where civil authorities collected and protected livestock. Much of this livestock would often represent taxes, and was ultimately destined to feed the city's populace. Such corrals were commonly, though not always, attached to fortifications or city walls, as an outer ring. Thus any *baqqār* in rural areas, whether attached to a tower or not, was not meant to defend the farmers but to exploit them. Epalza would thus revise radically Guichard's vision of ubiquitous and merely defensive rural "refuges," and presents an op-

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[16] Arch. Crown, Cancelleria reial, Jaume I, reg. 15, fol. 82 (27 February [1267] 1268): "mas ancianos moros de las vezindades"; "nos somos ciertos que en tiempo de moros no avia castiello en Perpunxen antigament." The problem is taken up in Burns, *Muslims, Christians, and Jews*, chaps. 8, 10.

[17] André Bazzana, Pierre Guichard, and J.M. Segura Martí, "Du *ḥiṣn* musulman au castrum chrétien: le château de Pepunchent (Lorcha, province d'Alicante)," *Mélanges de la Casa de Velázquez*, XVIII, part 2 (1982), 449-465, with plan on p. 463, aerial and other photos in the archeological discussion on pp. 451 ff., and map on p. 461. On these castles in general see Guichard, "Los castillos musulmanes del norte," passim; Bazzana, "Éléments d'archéologie musulmane dans al-Andalus: caràcteres spécifiques de l'architecture militaire arabe de la région valencienne," *Al-Qanṭara*, I (1980), 339-363; and Rubiera/Epalza, *Xàtiva musulmana*, pp. 22-27. As background too see Pedro López Elum, *La alquería islámica en Valencia: estudio arqueológico de Bofilla, siglos XI a XIV* (Valencia: 1994), pp. 226-236 and appendix 1.

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posing thesis.[18] The preliminary archeological survey by Bazzana at Perpunchent, and Guichard's interpretive gloss, may be irrelevant to the problem of al-Azraq's *ḥiṣn*. If there was a castle, as small as these often were, its remnants may not be on the precise spot as its Christian successor. More thorough archeological investigation may be needed. And the theory of rural refuges needs to be rethought. A resolution to the problem of no stronghold at Perpunchent might also come from the thesis of Rafael Azuar Ruiz, that the term *ḥiṣn* in a countryside could designate primarily a jurisdiction, rather than an edifice.[19]

In our treaty the Romance Pop, the Arabic text's Būb, comprised a double castle on two peaks of a ridge dominating its Vall de Pop; James's son King Peter soon ordered it destroyed, but it would later become a major center of Morisco revolt. Today its ruins lie along a hillside north of Benigembla.[20] Romance Tarbana, Arabic Ṭarbanah, is Tárbena with its castle, today reduced largely to ruined walls. The village (*qaryah*) of Ebo or Ābuh (and Abuh) corresponds to the Vall de Ebo. Tollo or Tūluh is the Toyllo listed in the crusaders' *Repartiment* as a hamlet under Seta; this is Tollos, a little zone or district south of Alcalá and east of Castell. This leaves two places, introduced only in the Arabic text: the village (*qaryah*) of Ishbālam and the village of Baṭraqūsh, both given to Abū Yaḥyá, "the *ṣāḥib* of Castell." Baṭraqūsh would seem to be Petracos. There is a plain of that name, where the Jalón River also bears the alternate name Petracos, as well as a gorge with that name in the Seta Valley near Famorca south of Tollos. Barceló Torres has definitely identified our village from a manuscript of 1418 concerning Mudejar taxes of "Petragues" and "Espelam" in the "Vall de Castell de Castells." This was therefore a hamlet which has disappeared with time but which left its name as Petracos for a *partida* or section of rural land, still listed by the

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[18] Míkel de Epalza, "Funciones ganaderas de los albacares, en las fortalezas musulmanas," *Sharq al-Andalus: estudios árabes*, I (1984), 47-54. Rubiera/Epalza, *Xàtiva musulmana*, pp. 26-27, followed by an extensive refutation of Guichard's interpretation of Valencian land tenure and social structure (pp. 27-37).

[19] Azuar Ruiz, "El 'ḥiṣn' musulmán en el ambito rural," pp. 34-41. On the complex of castles held by Muslims during the revolt thirty years later, including these mountain castles, see the castle lists and analysis in R.I. Burns, "Rehearsal for the Sicilian War: Pere el Gran and the Mudejar Countercrusade in the Kingdom of Valencia, 1276-1278," *XI Congresso di storia de la Corona d'Aragona*, II, 259-287. See too the subchapter on Islamic "Castles in Valencia: Morphology and Meaning" in Burns, *Muslims, Christians and Jews*, ch. 1.

[20] See Pierre Guichard, "El castillo y el valle de Pop durante la edad media: contribución al estudio de los señoriós valencianos," *Anales de la Universidad de Alicante: historia medieval*, II (1983), 19-32.

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toponymical guide for Castell de Castells (also Castells de Serrella). Its companion-place in the Arabic text, Ishbālam, is not a local echo of "Seville" (in a document of King James as *apud Yspalim* from the Arabic *Ishbīliyah*), but rather the "Espalam" village of Barceló's manuscript. Today only the name survives as the rural *partida* of Espel·la or La Espelda.[21]

The Arabic text does not designate the place of signing in its date line; but the Romance, falling back into Latin, locates the action as *apud Puteulum*. This term is diminutive for a well; the town of Puteoli, modern Pozzuoli near Naples, is cognate. This could translate into Catalan as any diminutive for *pou*, as in the Valencian toponyms Puçol (Castilian Puzol) and Pouet; an Aragonese form is Pozuel in Teruel province. This must have been a common toponym or descriptive then; Tárbena, for example, has five such toponyms even today. Barceló calls attention to El Pouet as a rural *partida* in the district of Castell de Castells. The actual place where our document was signed, however, remains a mystery. Roque Chabás suggested that it was El Poet, about four hundred paces south of modern Alcalá de la Jovada. The identification assumes that the hamlet, then Lloc de la Jovada, was a likely place for such a ceremony. Bañó Arminyana more plausibly contends that "this treaty would have been signed in the castle of Alcalá [today's Benissilí castle] where there was a well or spring." This is persuasive. I would only add that there was probably such a water-source landmark, outside the castle. A ceremony within the castle, or hard by, ought to have borne the designation Alcalá; but in any case such solemnities were often enough staged a short distance away, allowing for ritual approach to the conqueror's position, for a considerable crowd, and eventually for ceremonial entry into the stronghold. The document's *puteulum* may

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[21] Barceló Torres, "Documentos de al-Azraq," p. 29. J.L. Román del Cerro and Míkel de Epalza, *Toponimia mayor y menor de la provincia de Alicante, listado por municipios* (Alicante: 1983), p. 123. Miret i Sans (who was puzzled by "Yspalim" there), *Itinerari*, p. 205. See also Barceló's *Toponímia arábica del país valencià: alqueries i castells* (Canals, Valencia: 1982), pp. 153, 193. Context would exclude Bisbilín, no longer extant, in the Ebo Valley. Josep Torró i Abad in his "Prospecció toponímica: Vall d'Ebo" suggests that Ebo stood where Cairola now lies. Torró also examines Bisbilim (Bixbella, Bexbilan) as corresponding with modern Villans but not identified with our treaty's Ishbalam (pp. 235-236, 244). That such an "unfortified" *qaryah* might have a considerable defense system incorporated can be seen from López Elum's archeological explorations in *La alquería islámica en Valencia* (see above, note 17). On Ebo see too Azuar Ruiz, *Denia islámica*, pp. 83-84, with map, as an *alquería* without castle. See too María del Carmen Barceló Torres, "Poblament i toponomàstica de la Vall de Gallinera islámica," *Aguaits*, Institut d'Estudis Comarcals de la Marina Alta, II (1988), 5-15.

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represent either an Arabic toponym or merely a descriptive designation. The lapse into Latin at the date line was a not unusual phenomenon in Romance charters.

Confrontation: The Romance Text

Confronting the Arabic and Castilian texts, we confront two kinds of rulers, two mentalities, two cultures. Alfonso is welcoming the Muslim into the Christian "feudal" world, specifically into Aragonese feudal forms. These forms in turn must be understood within the wider non-feudal society of Christian Valencia; it is important to stress that Christian Valencia's political and social structure was non-feudal, in which feudal and feudalistic elements merely played a role. Islamic societies of course lacked any feudalism.[22] Whether from expediency alone or a common model of surrender, or friendship and respect between two Castilophiles, Alfonso here is generous. Most of the Muslim's current holdings and garrisons stay in place for three years; and his family is confirmed in power at his two main territories forever. Alfonso acts indifferent to prosaic details, summing them swiftly with princely disdain for haggling. His hailing of al-Azraq as "beloved, high, honored, and faithful" seems more than honorifics, precisely because the brevity of the text throws the exordium into relief and because the tone and purpose are personal rather than aimed at business.

Surface illusion here conceals a stubborn reality. The Arabic charter, by tone and content alike, proclaims al-Azraq's understanding of his relationship as a tributary alliance, set forth in a business-like contract. Seen by hindsight, al-Azraq obviously intended to deceive, or alternatively to yield the minimum while preserving the base for renewed war. The shorter document done in al-Azraq's name in the Castilian text is no supplement, but merely a selective paraphrase of Alfonso's own idiosyncratic view. Conscious of this bifurcation of tone and intent, we must look with wariness on the aspects of other crusader "versions" of documents whose Arabic is long gone. Even a strict translation, as with the Romance version of the Vall de Uxó charter from Arabic now lost, may give us some pause.

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[22] See especially chapter one of Burns, *Muslims, Christians, and Jews*, with its references to his previous works; see also his "The Muslim in the Christian Feudal Order: The Kingdom of Valencia, 1240-1280," *Studies in Medieval Culture*, V (1975), esp. pp. 105-110.

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For purposes of comparison, the Aragonese-influenced Castilian text is transcribed here first. The transcriptions of Chabás, copied by Momblanch, and of Barceló may also be consulted; the text here shows light discrepancies from both. Paragraphing and punctuation are provided, with virgules to indicate original line-endings. No modern accents are supplied.

Transcription

Font del Pouet [El Poet], at Alcalá
16 April 1244

Conosçuda cosa sea a quantos son et [23] seran: como yo Habuabdele Yvan[24] Fudayl, alguazil et senor Dalcala, me fago vuestro vassallo de vos senor / don Alfonsso primero fijo del rey Daragon, et do vos ocho castielos—el uno dizen Pop et el otro Tarbana, et Margarita, Churolas, Castiel, / Alcala, Galinera, et Borbunchen.

Estos castielos sobredichos vos do con sus alcarias, et con terminos, et con pastos, et q [*sic*] quanto les perteneçe. Et / destos avandichos castielos do a vos senor don Alfonsso dos castielos luego Pop et Tarbana; et retengo pora mi Alcala et Borbunchen, por / eredat pora mi et pora mios fijos, et pora mio linage, et por fer de los toda mi voluntade. Et los otros quatro castielos—Margarita, Churolas, / Castiel, et Galinera—estos tengo yo por tres annos en tal convenencia que ayades vos senor don Alfonsso la meetad de la renda; et yo la otra / meetat; et complidos estos tres annos, que vos de los castielos forros et quitos sin toda mala pleytesia, con todos sos terminos et con todos sos de/rechos assi como desuso dicho es.

Et demas fago esta convenencia conbusco[25] sennor: que de quan-

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[23] The text employs the ampersand but clearly extends it once as *et*, the choice also followed here. Both usages can be seen in contemporary Castilian and Aragonese documents.

[24] Or Yuan, since paleographically no distinction is made between the *u* and *v* here or in other words of the document.

[25] A form of *conusco* ("with you") seen in medieval Aragonese; see J. G. MacKenzie, *A Lexicon of the 14th-Century Aragonese Manuscripts of Juan Fernández de Heredia* (Madison, Wisconsin: 1984), pp. 31, 35. The spelling *senor*, four times here as against *sennor* once, was not uncommon (p. 123). *Luego*, which I translate below as "immediately" in deference to its primary Castilian meaning, may rather have been the Aragonese "then" in the sense of consequently (p. 84); both meanings fit the text. *Pora* in Aragonese was a single-word preposition, appearing here twice in full and twice abbreviated, meaning both "for" and "in order to" (p. 106); simple *por* appears seven times, always in full. The freestanding *q* in sentence two cannot be *que*, both from context and from lack of overstroke; it is not a form of *con*, but probably represents a scribal false start for the *quanto* which follows.

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tos castielos yo pueda ganar daqui adelant fasta/los tres annos, que vos de la meetat de la renda; et los tres annos complidos, que vos de los castielos que ganare, con los otros quatro, assi como de/suso dicho es.

Et yo don Alfonsso por la gracia de dios infant, primero fijo del rey Daragon, recibo a vos Abuabdele Yvan Fudayl alguazil et se/nor Dalcala por mio amado et mucho alto et muy onrrado et mio fiel vassallo. Et otorgo et do vos dos castielos—Alcala et Borbunchen—por eredamient/to a vos et a todo vuestro linage por dar, vender, enpenar, et por fer de los toda vuestra voluntat.

Et do vos las rendas de dos alcarias—de Hebo et de / Tollo—por estos tres annos, et depues[26] de los tres annos que me lexedes estas dos alcarias con los otros castielos.

Demas juro et convengo et otorgo, que / tenga todas estas convenencias assi como [de]s[uso s]cripto[27] es, pero assi [que] del castielo Dalcala et de lo que vos do que seades mio vassallo.

Data carta / apud Puteulum, XVI die Aprilis, era M° CC° LXXX° II°.

Testes huius rei:[28]	dompnus Guillelmus Hugo	dompnus Gonbaldus miles
dompnus Petrus Maça	dompnus Petrus Sancii Gurren	dompnus Raymundus de Montepessulano

Sig+num Alfonssi infantis, illustris regis Aragonum primogeniti. Ego [...] mandato ipsius hanc cartam scripsi; et hoc signum meum apposui loco, die et era prefixis.

Translation

Let it be known to all present and future: that I Abū ʿAbd Allāh ibn Hudhayl, vizier and lord of Alcalá, make myself your vassal, lord Don Alfonso the elder son of the king of Aragon, and I give you eight castles—one called Pop and the other Tárbena, and Margarida, Cheroles, Castell, Alcalá, Gallinera, and Perpunchent.

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[26] A variant of *después*, common in Aragonese (ibid., p. 42).

[27] The three sets of brackets here indicate a hole in the manuscript and reconstruction; see the same phrase above and MacKenzie, *Aragonese*, p. 47.

[28] Text: *rey*. The witnesses are the Aragonese baron Pero Maza, the Catalan Guillem Huc the lord of Serrallonga, Pero Sánchez Garín the royal butler for Aragon and lord of Sangurrín (modern Sangorrín), Gombau d'Entenza the son of Bernat I of the lordship of Entenza, and the Occitan baron Raimon de Montpell[i]er the brother of the dispossessed Count Guilhem IX of Montpellier and uncle of King James.

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These aforesaid castles I give you with their villages, and with districts, and with pastures, and with as much as belongs to them. And of the aforesaid castles, I give you lord Don Alfonso two castles immediately, Pop and Tárbena; and I retain for myself Alcalá and Perpunchent, as an estate for me and for my children and for my family-line, to do with them entirely according to my will. And the other four castles—Margarida, Cheroles, Castell, and Gallinera—these I keep for three years in such accord that you lord Don Alfonso have half the revenues and I the other half; and those three years having passed, that I give you the castles free and quit, without any litigation, with all their districts and with all their rights just as is said above.

And besides, I make this agreement with you, lord: that of as many castles as I can win from here on through the three years, I give you half the revenues; and the three years having passed, that I give you the castles that I will gain, along with the other four, just as is said above.

And I Don Alfonso by the grace of God prince, elder son of the king of Aragon, receive you Abū ʿAbd Allāh ibn Hudhayl vizier and lord of Alcalá as my cherished and much esteemed and very honored and loyal vassal. And I grant and give you two castles, Alcalá and Perpunchent, as an estate for you and all your family-line, to give, sell, pledge, or use entirely according to your will.

And I give you the revenues of the two villages Ebo and Tollos for those three years, and after the three years that you release to me those two villages, with the other castles.

Furthermore I swear and contract and grant that all these agreements hold, just as is written above, but in such wise that you be my vassal for the castle of Alcalá and for that which I give you.

Given at Pouet, the sixteenth day of April, in the era 1282.

Witnesses of this event:[29] the lord Peter Maza, the lord William Hugo, the lord Peter Sánchez Gurren, the lord Gonbald, knight, the lord Raimon de Montpellier

Si+gn of Prince Alfonso, first-born of the illustrious king of Aragon. I [...], by order of the same, wrote this charter and put my [notarial] sign, at the place [and on the] day and era recorded above.

Two years after this treaty, when King James finally adverts to al-Azraq for the first time in his autobiography, he will be forced to

[29] See note 28.

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devote nearly fifteen chapters to the "great war" that ensued, when all the Muslims "who remained" in the kingdom "made al-Azraq [their] head." The king tries to pass off this subsequent continuation of the Valencian conquest as merely a post-crusade episode, lasting vaguely "a good three or four years" instead of the actual ten. James admits al-Azraq's clever alliance with Castile, and compresses or suppresses the final success of the Christian campaigns on the excuse that details "would elongate the book" too much. Among other episodes in this later al-Azraq war, the king does describe how al-Azraq once "came to me" and said he wanted to become a Christian and marry a relative of Carròs the lord of Denia. When James trustingly rode to the Muslim's castle of Rugat to discuss this, al-Azraq ambushed and nearly killed the king. "No Saracen ever broke faith with me," the angry king wrote, "except al-Azraq in the affair of Rugat." The king betrays the extent of al-Azraq's victories and threat in these chapters; but at the end he exults: "I had taken from al-Azraq all that he had, and had thrown him out of my land." James's administrative chancery documents also convey his outrage, identifying his enemy as "al-Azraq Our traitor" and "al-Azraq Our betrayer."[30]

In the event, a core of al-Azraq's lands did remain in the hands of his heirs as a Mudejar fief. The reduced holding passed not to his son ʿAbd Allāh (apparently dead) or to his brothers Bāsim and Abū Saʿd but to the latter's son Abū Jaʿfar. Another cousin, Abū al-Ḥasan b. Hudhayl appears in a mission al-Azraq sent James's queen in 1250, which included also the *qāʾid* Abū ʿUmar and al-Azraq's confidant Abū al-Qāsim b. Hilāl. King James in his anger thus identified and immortalized, for Muslim and Christian alike, this otherwise anonymous warrior-ruler. James also conceals the magnitude of his decade-long war, as well as its status as a papal crusade, and has misled all historians with his boast before pope and Christendom to have ended the general Valencian crusade cleanly in 1245. Al-Azraq was still not finished with James. Near the end of the king's life, as part of a North African-Granadan invasion, al-Azraq returned and lost his life at the battle of Alcoy in 1276.

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[30] James I, *Llibre dels feyts*, c. 368: "e ach-hi gran guerra"; c. 370: "e aquels que romaseren en la nostra terra faeren cap d'Alaçrach"; c. 371: "durà la guerra bé per III ayns o per IIII" (the Castilian intrusions are here in caps. 371-372); c. 376: "no volem dir totes les coses que y foren feytes, car seria alongamente del libre." The Carròs episode is in c. 356, with "car anch sarraý no·ens trencà fe qu·ens hagués promesa per raó de castell que·ns haguem promès de retre, de Lançrat enfora, en lo feyt de Rogat." In c. 377: "nós haguem tolt a Alaçrach tot ço que havia e gitat de nostra terra." R.I. Burns, *Diplomatarium of the Crusader Kingdom of Valencia: The Registered Charters of its Conqueror Jaume I, 1257-1276*, vol. 2, *Foundations of Crusader Valencia: Revolt and Recovery, 1257-1263* (Princeton: 1991), doc. 79: "Aladrachum traditorem nostrum"; doc. 85: "Aladrachum traditiorem nostrum"; doc. 91: "Aladrach proditorem nostrum."

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CHAPTER THREE

THE AL-AZRAQ TREATY: ARABIC TEXT AND ANALYSIS

Paul E. Chevedden

The Arabic text of the al-Azraq treaty published here is transcribed and edited according to the Leiden Bracket System as adapted to Arabic by Michael Hamilton Burgoyne and Amal Abul-Hajj; sigla include [ ] for editorial addition, < > for conjectural supplementing of absent text omitted by the scribe by mistake, { } for suggested deletion, and superscript *vacat* indicating the number of letter spaces left blank in the text. The Arabic transliteration system of the Library of Congress has been adopted. Marginal numbers in text and translation indicate successive lines of Arabic in the manuscript.[1]

The transcription of al-Azraq's treaty attempts to be as faithful as possible to the original text except for the following modifications. The orthographic conventions peculiar to Maghribī script which appear in the manuscript, pertaining to the pointing of the *fā'* and *qāf*, the placement of the *hamzah* and the *tashdīd*, and the representation of the *tashdīd* have been changed to comply with standard orthography. Diacritical points have been restored in places where they are lacking in the manuscript (even those of *tā' marbūṭah* and of the final *yā'* which are generally omitted), in accordance with usual classical orthography. Diacritical marks are used plentifully throughout the text; and where they are lacking, there is no confusion caused in the reading of the words. Since the occasional omission of diacritical marks is a characteristic of the scribe's orthography, rather than errors on his part, I did not note their absence in my initial edition of this text in the Manuel Sanchis Guarner homage in *L'Espill*, discussed with the sequence of other editions above at the end of chapter one. This

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[1] Professors James Monroe of the University of California at Berkeley and Michael Fishbein of the University of California at Los Angeles offered valuable suggestions, incorporated here. Professor George Makdisi of the University of Pennsylvania kindly read the whole. The Leiden Bracket System, now universally employed by editors of classical Greek and Latin texts, is explained by Sterling Dow, *Conventions in Editing*, Greek, Roman, and Byzantine Scholarly Aids, 2 (Durham, N.C.: 1969). The adaptation of the Leiden Bracket System to Arabic is outlined by Michael Hamilton Burgoyne and Amal Abul-Hajj, "Twenty-Four Mediaeval Arabic Inscriptions from Jerusalem," *Levant,* XI (1979), 112-113. The Arabic transliteration system of the Library of Congress is described in Randall K. Barry, ed., *ALA-LC Romanization Tables: Transliteration Schemes for Non-Roman Scripts* (Washington, D.C.: 1991), pp. 4-13.

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edition, which follows my second publication of the text in *Der Islam*, will note their absence and will also note the variant readings of the two earlier transcriptions of this text by M. C. Barceló Torres, and the variant readings of another transcription by Pierre Guichard published in his *Musulmans de Valence*. Guichard conflated my first edition of the text with Barceló's 1982 transcription and accepted questionable editorial suggestions made by A.-L. de Prémare. My transcription of a key passage in line twelve, which is both legible and can be positively read, was identified by Guichard as a "very doubtful reading." The introduction of doubt is not always the sine qua non of serious scholarship.

Barceló's transcriptions (published in Momblanch's *Al-Azraq*, in conjunction with Zouhir Khranji, and in *Saitabi*) are hereafter cited as "B1" and "B2" respectively; my first edition of this text mentioned above is hereafter cited as "C." Guichard's transcription may be consulted for comparative purposes. Since his text of the document was established by the conflation of two earlier editions (B2 and C), and not by examining the original document itself, note will only be made of his readings (hereafter cited as "G") when they differ from B2 and C. Aside from a number of omissions and misreadings noted below, the transcriptions of this document by Barceló Torres have not provided a correct representation of the diacritical marks in the original text. The diacritical marks are sometimes restored where they were omitted in the manuscript and at other times deleted when they appear in the manuscript.

My present edition of the text has benefited from a firsthand examination of the parchment in the Arxiu de la Corona d'Aragó, which I did not have the opportunity to do prior to publishing my first edition of the manuscript. A close inspection of the document with the aid of an ultraviolet lamp has helped to recover some letter fragments and orthographic marks which are barely discernible or no longer visible to the naked eye. Save for a number of minor corrections, this transcription of the text substantially follows my earlier efforts. Accordingly, it reproduces my initial transcription of the manuscript except where otherwise noted.[2]

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[2] Robert I. Burns and Paul E. Chevedden, "El tractat de rendició d'al-Azraq amb Jaume I i l'Infant Alfons en 1245: el text àrab i el context valencià," in *Homenatge al Professor Manuel Sanchis Guarner*, as *Espill*, XVII-XVIII (1983), 242-257; idem, "Al-Azraq's Surrender Treaty with Jaume I and Prince Alfonso in 1245: Arabic Text and Valencian Context," *Der Islam*, LXVI (1989), 1-37: F. de P. Momblanch y Gonzálbez, *Al-Azraq, capitán de moros* (Alicante: 1977), pp. 40-41, 43-44; María del Carmen Barceló Torres, "Documentos árabes de al-Azrāq [*sic*] (1245-1250)," *Saitabi*, XXX (1982), 27-41; Pierre Guichard, *Les musulmans de Valence et la reconquête (XI^e-XIII^e siècles)*, 2 vols. (Damascus: 1990-1991), II, doc. 68a: *Le traité entre l'infant Alphonse et le vizir Abū ʿAbdallāh b. Hudhayl (al-Azrāq* [sic]).

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Arabic Transcription

1 بسْم اللّه الرّمن الرّحيم *vacat ca. 35* صلى الله على سيدنا محمد وعلى اله *vacat ca. 10*

2 هاذا ظهير كريم امر به الملك المعظّم الهمام الاسْعد المومل المرجوُّ اليْفنت دُون الفنش ابن الملك المعظم المؤَيد صَاحب ارغون

3 على الوزير الاجل الحسيب الارفع الاسْمى الاسنى ابُو عبد الله بن هُذيل اكْرمه الله ان يصالحوا الملك المعظم المذكورُ ثلاثة اعْ[و]ام

4 من تاريخه الان يذكر في اخر الظهير وعلى ان يكون متاعه وخديمه بحصونه وعلى ان يعطي الوزير المذكور الى الملك

5 المعظم المذكور حصنين يدفعها له الان وهي بُوب وَطربنة وتبقى بقية الحصون بيد الوزير المذكور وهي قشتَالْ وَجرُولَش

6 ومرْغليطة والقلعَة وَبُربنجان وغَلِّنَيْرة الى انقضا ثلاثة اعْوام وَيدفعها الوزير المذكورُ الى الملك المعظم المذكورْ

7 اذا انقض{ا}ت الثلاثة اعْوام إِلّى حِصْن القلعة بفوَائده وفوائد قرى بربنجانْ تكون من الان مُأَبَّدةْ الى الوزير المذكُورْ

8 لَه وَلعقِيبَه طول ايام الملك المعظم وان يعطي الملك المعظم الى الوزير المذكور فَوائد أَبُةْ وتولة طول الثلاثة اعْوام فاذا

9 دفع لَه الحُصون المذكورة الذي هي مرْغَليطَة وَقشتال

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وجرُولش وَغلنيرَة يدفع له ʾاَبُهْ وَ تُولُة وعلى ان يعْطِي
للقايَد]

10 ابو يحيى بن ابي ⟨إ⟩سحاق صَاحب قشتال الملك المعظم
قرية اشبالَمْ وبطرَقْوش تكون له مُابَّدة طول ايام الملك لهُ
وَلعقيبه

11 وان يعطي الوزير للملك المعظم من الاربعة حُصونْ الذي
يدفع له ذا لثلاثة أَعْوام نصف العُشْر و اشمى اخَذَ

12 الوزير من حُصون ⟨ل⟩صاحب ارغون اما بقدْرٍ او
باودَادهم يكون له الوزير فيها نصف الفَائد طول الثلاثة
اعوام فَاذا

13 انقض{ا}تْ الثلاثة اعْوام يدفعها له مع الارْبَعة حُصون
وكتب في الخامسْ عشر من شهر ذي قعْدة عَام اثنين
واربعين وستمائة

1 بسْم: بسم B1, B2 – اللّٰه: اللّٰه B1: الله B2, C – الله: الله B1,B2 – الرّحمن: الرحمن B1,B2 – الرّحيم: الرحيم B1,B2 – سيدنا: سيدنا MS: سيدنا B1, B2 – اله: اله B2: اَله B1: so in MS for اَله.

2 هاذا: so in MS for هٰذا – كريم: كريم MS: كريم B1, B2 – امر: أمر B2: الأمنعه B1: الأسْعد: الاسْعد B1, B2 – المعظم: المعظّم B1, B2 – المرجوُ: المرجو B1: المرجوُ – المؤمّل: so in MS for المومل B1 – اليُفنت: اليِفنت B2 – اليْفنت: اليْفنت B1, B2: اليْفنت G. This word is usually spelled الافانت (*al-ifānt*) (Alarcón and García, *Documentos*, docs. 3, 12, 23, 39, 70, and 85), or less commonly الافنت (*al-ifant*) (Alarcón and García, doc. 34).[3] An unclosed *sukūn* above the

[3] Maximiliano Alarcón y Santón and Ramón García de Linares, eds., *Los documentos árabes diplomáticos del Archivo de la Corona de Aragón* (see above, chapter one, note 4). This celebrated collection, beginning from the late thirteenth century (but mostly from the fourteenth) and predominantly mercantile-diplomatic in content, is

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yā' of this word has been interpreted in B1 and B2 as a *ḍammah*, giving the word the whimsical pronunciation *aliyufant.* – دُون: دُون B2: دون B1 – المؤيد: المؤيد B2: المؤبه B1 – صَاحب: صَاحب B1, B2: صاحب C.

3 الوزير: الوزر MS: الوزير B1, B2 – الاجل: الأجل B1, B2 – المرفع: الارفع B2: الارفع B1 – المحسب: الحسيب B2: الحسيب : الحسيب B1 – الاسْمى: الاسْمىَ B2: لأسْمى B1 – الاسنى: الاسنى B2: الأسنى B1 – ابُو: so in MS for أبي – الله: الله B2: اللّه B1 – بن : بن B2: omitted in B1 – اكْرمه: اكرمه G – الله: الله B2: اللّه B1 – يصالحوا: يصالحوا (*yuṣāliḥū*) is the colloquial form of يصالحه (*yuṣāliḥahu*) – المذكورُ: المذكور B1, B2, C. The scribe has written the *ḍammah* of this word twice, one above the other, so the *ḍammah* appears as a long diagonal stroke. On the orthography of vocalization signs, see below. – ثلاثة: ثلاثة B1: ثلاثه B2 – اعْ[و]ام: اعوام B1, B2: [أعوام] C.

4 تاريخه: so in MS for تأريخه – الان: الان B2: الأن B1: الآن G: so in MS for الآن – اخر: آخر G: so in MS for آخر – وخديمه: وخدمه MS: وخديمه B2: وحده B1. The singular *khadīm*, the Western Arabic variant of *khādim*, is used in place of the plural *khuddām*. Although this word, which lacks diacritical points, may be read in the plural as *khadamahu* by interpreting the diagonal stroke above the *mīm* as a *fatḥah* instead of a *yā'*, this would admit an error in vocalization (a *fatḥah* for a *ḍammah*), which seems less likely than the incorrect number of the noun being used. The diagonal stroke is attached to the *mīm*, just like the *yā'-mīm* of *karīm* in line 2 and the ligature connecting the *lām* to the *mīm* of

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discussed by Federico Udina Martorell in his exhaustive *Guía histórica y descriptiva del Archivo de la Corona de Aragón* (Madrid/Granada: 1986), pp. 241-246. The collection from number 1 to 77 relates to Granada, from 78 to 114 to Tlemcen and Morocco, and from 115 to 162 to Tunisia (Ifrīqiyah) and Egypt, with a typed "Suplemento al libro de Alarcón" by Juan Vernet of 17 further documents, kept at the Archivo. At several points in my discussion of the Arabic text of the al-Azraq treaty, as here, I incorporate references to Alarcón and García rather than relegate them to a note, because of the singular importance of this collection to our time and place, and because these references are intrinsic to the respective arguments.

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lil-malik in line 11. Furthermore, the line in which this word appears is entirely unvocalized, strengthening our contention that this word should be read as *khadīmuhu* and not as *khadamahu.* In addition, on thirteenth and fourteenth-century documents from Islamic Spain and North Africa in the Arxiu de la Corona d'Aragó, this word almost universally appears in the singular as *khādim* (Alarcón and García, *Documentos*, docs. 6, 29, 32, 33 bis, 34, 38, 39, 44, 46, 49, 51, 54, 58, 67 bis, 77, 80, 101, 105, 110, 111, 112, 113, 118, 130, 154, 158, 159, and 160), and in the plural as *khuddām* (Alarcón and García, docs. 20, 39, 54, 74, 75, 77, 99, 103, 110, 113, and 161). Only one document offers other forms of this word, all of colloquial derivation (Alarcón and García, doc. 158). – يعطي :يعطى MS, B1, B2 – الوزير :الوزىر MS: الوزير B1, B2.

5 المعظم :المعطم MS: المعظم B1, B2 – الان :الآن G: This word is faint but readable under the ultraviolet lamp. So in MS for بوب G : بُوبْ B1, B2 – بُوب :هي MS: هى B1, B2 – هي :الآن – وَ :و B1, B2 – طربنة :طربنه MS: طَرْبنَه B1, B2 – بقية: هي : B2 وهي :وهي – B1, B2 يد :بيد – MS, B1, B2 بقيه وجَرُولَش :B1 وجُرُولَش :وَجرُولَش – G قشتالْ :قشتالْ – B1 وجرُولَش – B2 وجرُولَش G.

6 مرْغليطه :مرْغليطه MS: مرغليطه B1, B2: مرغليطة – G بَربنجان :بُربنجان– G القلعة : MS, B1, B2 القلعَه :القلعَه غَلّنَيْرة :غَلِّنَيْره MS: غَلِنَيْره B1, B2: غلّنِيْرة – G B1, B2 – انقضا: so in MS for انقضاء – ثلاثة :ثلاثة B2: اثلاثة B1 – وَ :و B1, B2 – المذ كور :المذ كور B1, B2, C – المذكورْ :المذكور B1, B2, C. The stroke of the *kāf*, the tail of the *wāw*, and the *rā'* of this word have flaked off. A *sukūn* above the letter space of the *rā'* is visible.

7 اذا :اذا B2: ان B1– الثلاثة :الثلاثه MS, B2: اثلاثه B1 – اعْوام: الأعـوام :so in MS for الـثـلاثـة اعْـوام – B1 اعـوام :اعْـوام B2: القلعه :القلعة – إلّى :إلّى B1: إلَّى B2: so in MS for إلَّا – الثلاثة MS, B1, B2 – بفوائده :بفوآئده G: so in MS for بفـوائـده –

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فوآئد: so in MS for فوائد – بربنجانْ: بربنجان B1, B2, C. The *sukūn* above the *nūn* of this word was crossed out by the scribe. The filled-in circle of the *sukūn*, which appears in dark ink, is overlaid by a rectangular blotch of ink of lighter color. – تكون: يكون G – الان: الآن G: so in MS for الآن – مُأَبَّدةْ: مُأَبَّدهْ MS, مَأَبْدَهْ B1 :مُأَبَّدةْ B2: مؤبّدةً G: so in MS for الوزير – الوزر: الوزر MS: الوزير B1, B2 – المذكُورْ: المْذكُورْ B1, B2.

8 لَه: لَهُ B1, B2 – لعقيبه: لعقيبه G: so in MS for لعَقيبه – يعطى: يعطي MS, B1, B2 – المعظم: المعطم MS: المعظم B1, B2 – فَوآئد: so in MS for فوائد. There is an ink splatter below the *fā'* of this word. – أَبُهْ: أَبُهْ MS, B1, B2: أبُهْ G. See line 9 where this word is written with a *maddah*. – تولة: تولـه MS, B1, B2 – الثلاثة: الثلاثه MS: الثلاثة B1, B2 – اعْوام: اعْوام B2: اعوام B1 – الثلاثة اعْوام: so in MS for الأعوام الثلاثة – فاذا: the diacritical point below the *fā'* has flaked off.

9 لَه: له G – المذكورة: المذكوره MS: المذكورة B1, B2 – الذي: so in MS for مرْغَليطَه – الّتي: مرْغَليطَه MS, B1, B2: مرْغَليطة G – قشتال: قشتال B2: قشتالى B1 – جرُولش: جرولش B1, B2: جرُلش G – وَ: وَ B2: و B1 – غلنيرَة: غلنيرَه MS, B1, B2: غلنيرة C – أَبُهْ: أَبُهْ MS: أَبُهْ B1, B2: أبُة G – يعْطي: يعْطي MS: تُولُه B1, B2 – تُولُه: تُوله MS: تُوله B1 – و B2: وَ C: يعْطى B1, B2 – للقآيلد]: للقآئد C: للقآئد B1, B2. The *alif* and the *dāl* of this word have flaked off.

10 ابو: so in MS for أبي – يحيى: يحيى MS: يحيى B2: محمد B1 – ابي: ابى MS: ابي B2: omitted in B1 – سحاق<إ>: اسحاق B1, B2: إسحاق G – صَاحب: صاحب G – قرية: قربه MS: قربْه B1: قَرْيَه B2. Since *qaryah* is followed by two localities which are presumably both villages, it should be in the dual: قَرْيَتَىْ (*qaryatay*). – اشبالَم: اشبالَم B1, B2: اسبالَمْ C: اسبَالمْ G – بطرَقْوش: بُطرَقْوش B2: بُطرَقُوس B1: so in MS for مُابَّدة – بطرَقوْش: مُابَّده MS: مُأبَّده B2: مَابْدَه B1: so in MS for مؤبّدةً – لهُ: له B1, B2, C وَ: و B1, B2.

11 ان: انْ B1, B2 – يعطى: يعطي MS, B1, B2 – من: مـن MS: من

الحصون الأربعة – B1, B2 حُصونْ الاربعة: so in MS for
لثلاثه MS: لثلاثة – B1, B2 ذ : ذا – الّتي الذي: so in MS for
اعْوام B1, B2 – أَعْوام C – الثلاثة B1, B2: الثلاثه
العَشْر: العُشْر B1, B2 – اشمى: اشممى B1: اثمر B2. This is a variant spelling of the interrogative pronoun أشما (*ash-mā*), which is a colloquial contraction of the classical phrase أيّ شيءٍ ما (*ayyu shay'in mā*).[4] B2 mistranscribes *ash-má* as *athmar*. This is then mistransliterated as *thamr*, which is translated as "fruits" or "produce" (*frutos*), either agricultural or otherwise. This error results in a serious misunderstanding of the text. The Wazīr, who will give half of the tithe from the four castles to the prince, is seen as also giving to the prince "the fruits which the Wazīr takes from the castles of the lord of Aragon." This translation suggests that the prince will receive "fruits" from the Wazīr which are taken from the king's castles. – اخَذَ: أخذ B1, B2.

12 حُصون: حُصون B2: حصون B1. There is a dot above the *ḥā'* of this word in B1, rendering the *ḥā'* a *khā'*, but this is presumably a printing error. – ‹لـ›صاحب : *ṣāḥib* should be preceded by the preposition *li-* (for) so that *ṣāḥib Araghūn* is not put in *status constructus* with *ḥuṣūn*, thereby changing the intended meaning of this sentence. – بقدْرٍ: بقدْرٍ B1: بقدْر C: بعدُ B2: so in MS for بالقَدْر or better بالقُدْرَة – او باودَادهم: او باودَادهم B1: او باوداهم C: بني لوبا ودَادهم B2: so in MS for أَوْ بِوِدادهم. B2 mistranscribes and mistransliterates this portion of the treaty, leading to a serious misunderstanding of the text and incorrectly introducing into the treaty a town that does not belong there. *Immā bi-qadrin aw bi-awdādihim* is rendered *ammā ba'du banī lūbā widāduhum*. The invented words *banī lūbā* become *banī lūb* in transliteration and this is identified as either Benillup near Lorcha or Benillup near Benimarfull. Neither of the two Benillups belong

[4] Federico Corriente, *A Grammatical Sketch of the Spanish Arabic Dialect Bundle* (Madrid: 1977), 5.12.5, 7.2.2, 9.2.5, and p. 99, note 148.

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in the treaty and should be disregarded on the map accompanying B2. B2 incorrectly translates this section of the treaty as, "with regard to Benillup, it is his desire that the Wazīr have from it half of the revenue during the three years, but when the three years are up, he will relinquish them [the revenue] with the four castles." G accepts my reading of *immā bi-qadrin aw bi-awdādihim* but labels it "very doubtful." – فيها: the diacritical point below the *fā'* has flaked off. – الفَائد: للفَائد B1: للفائد B2 : الفَايد G. The *fā'* of this word appears as a *qāf* in B1 due to a printing error. So in MS for الـفـا ئـدة. This word is added above the line. – الثلاثة: الثلاثه MS, B1, B2 – الثلاثة اعوام: so in MS for فاذا: فاذا B1, B2, C. – فَاذا: الأعوام الثلاثة

13 الثلاثة: الثلاثه MS: الثلاثه B1, B2 – الثلاثة اعْوام: so in MS for مع: مع B1: omitted in B2 – الأعوام الثلاثة الارْبَعه: الارْبَعَة MS, B1, B2: الارْبعَة G – حصون: حُصون so in MS for الارْبَعة حُصون – G الحصون الأربعة: the *yā'* of *dhī* is partially flaked off. – ذي: الخامس G – الخامسْ: قعْده MS, B1, B2: قعدة G – قعْدة: ذي قعْدة so in MS for ذي القعدة. On documents from Islamic Spain and North Africa the definite article of the month Dhū al-Qa'dah is frequently omitted (Alarcón and García, *Documentos*, docs. 9, 33, 41, 71, 74, 79, 84 bis, 120, 121, 131, and 134). This is also the case for the months of Dhū al-Ḥijjah (Alarcón and García, docs. 34, 35, 37, 38, 39, 68, 72, 95, and 154) and al-Muḥarram (Alarcón and García, docs. 5, 48, 49, 51, 52, and 135). – عـام : عـام B1, B2, C – اثنين: اثنِن B1: اثنِن B2. B1 and B2 interpret the pointing of the *yā'* of this word to be a *kasrah* because the two points run together. The pointing of the *yā'* of *fī* and *al-zahīr* in line 4 also run together. – اربعين: اربـعـين MS: اربـعـين B1, B2 – ستمائة: ستمائه MS, B1, B2: ستماية C.

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Transliteration and Vocalization

1 bismillāh al-raḥmān al-raḥīm ṣallá Allāh ʿalá sayyidinā Muḥammad wa-ʿalá ālihi

2 hādhā ẓahīr karīm amara bihi al-malik al-muʿaẓẓam al-humām al-asʿad al-muwammal al-marjūwu alīfant Dūn Alfunsh ibn al-malik al-muʿaẓẓam al-muʾayyad ṣāḥib Araghūn

3 ʿalá al-wazīr al-ajall al-ḥasīb al-arfaʿ al-asmá al-asná Abū ʿAbd Allāh ibn Hudhayl akramahu Allāh an yuṣāliḥū al-malik al-muʿaẓẓam al-madhkūru thalāthat aʿ[w]ām

4 min tārīkhihi al-ān yudhkaru fī ākhir al-ẓahīr wa-ʿalá an yakūna matāʿuhu wa-khadīmuhu bi-ḥuṣūnihi wa-ʿalá an yuʿṭiya al-wazīr al-madhkūr ilá al-malik

5 al-muʿaẓẓam al-madhkūr ḥiṣnayn yadfaʿuhā lahu al-ān wa-hiya Būb wa-Ṭarbanah wa-tabqá baqīyat al-ḥuṣūn bi-yad al-wazīr al-madhkūr wa-hiya Qashtāl wa-Jurūlash

6 wa-Marghalīṭah wa-al-Qalʿah wa-Burbunjān wa-Ghallinayrah ilá inqiḍā thalāthat aʿwām wa-yadfaʿuhā al-wazīr al-madhkūru ilá al-malik al-muʿaẓẓam al-madhkūr

7 idhā inqaḍāt al-thalāthat aʿwām illá ḥiṣn al-Qalʿah bi-fawāʾidihi wa-fawāʾid qurá Burbunjān takūnu min al-ān muʾabbadah ilá al-wazīr al-madhkūr

8 lahu wa-li-ʿaqībahi [sic] ṭūl ayyām al-malik al-muʿaẓẓam wa-an yuʿṭiya al-malik al-muʿaẓẓam ilá al-wazīr al-madhkūr fawāʾid Abuh wa-Tūluh ṭūl al-thalāthat aʿwām fa-idhā

9 dafaʿa lahu al-ḥuṣūn al-madhkūrah alladhī hiya Margalīṭah wa-Qashtāl wa-Jurūlash wa-Ghallinayrah yadfaʿu lahu Ābuh wa-Tūluh wa-ʿalá an yuʿṭiya lil-qāyi[d]

10 Abū Yaḥyá ibn Abī <I>sḥāq ṣāḥib Qashtāl al-malik al-muʿaẓẓam qaryat Ishbālam wa-Baṭraqūsh takūnu lahu muʾabbadah ṭūl ayyām al-malik lahu wa-li-ʿaqībihi

11 wa-an yuʿṭiya al-wazīr lil-malik al-muʿaẓẓam min al-arbaʿat ḥuṣūn alladhī yadfaʿu lahu dhā li-thalāthat aʿwām niṣf al-ʿushr wa-ash-má akhadha

12 al-wazīr min ḥuṣūn <li->ṣāḥib Araghūn immā bi-qadr aw bi-awdādihim yakūnu lahu al-wazīr fīhā niṣf al-fāʾid ṭūl al-thalāthat aʿwām fa-idhā

13 inqaḍāt al-thalāthat aʿwām yadfaʿuhā lahu maʿa al-arbaʿat ḥuṣūn

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wa-kutiba fī al-khāmis ʿashar min shahr Dhī Qaʿdah ʿām ithnayn wa-arbaʿīn wa-sitt miʾah.

Translation

1 In the name of God, the Merciful, the Compassionate. May God bless our Lord Muḥammad and his family!

2 This is a noble decree, enjoined by the Exalted Prince [*al-malik*], the Heroic, the Most Fortunate, [he whose beneficence is] hoped for [and] sought, the Infante Don Alfonso, son of the Exalted King, the Divinely Assisted, the ruler of Aragon,

3 upon the Most Illustrious Wazīr, the Noble, the Highest, the Most Eminent, the Most Exalted Abū ʿAbd Allāh b. Hudhayl—may God honor him! [Wherefore] the abovementioned Exalted Prince makes an agreement with him for three years

4 from the present date, which is stated at the end of the decree, that his [the Wazīr's] property and retainer[s] shall remain in his castles, and that the abovementioned Wazīr shall give to

5 the abovementioned Exalted Prince two castles, namely Pop and Tárbena, which he shall now hand over to him. The rest of the castles shall remain in the possession of the abovementioned Wazīr, namely Castell, Cheroles,

6 Margarida, Alcalá, Perpunchent, and Gallinera, until the end of three years. But the abovementioned Wazīr shall hand them over to the abovementioned Prince

7 when the three years have expired, except for the castle of Alcalá with its revenues and the revenues of the villages of Perpunchent, which shall remain henceforth in the perpetual possession of the abovementioned Wazīr

8 and his descendant for the duration of the reign of the Exalted Prince. [Furthermore], the Exalted Prince shall give to the abovementioned Wazīr the revenues of Ebo and Tollos for the duration of the three years. When

9 he [the Wazīr] hands over to him [the Prince] the abovementioned castles, namely Margarida, Castell, Cheroles, and Gallinera, he [the Wazīr] shall [also] hand over to him [the Prince] Ebo and Tollos. The Exalted Prince [also agrees] to give to the *qāʾid*

10 Abū Yaḥyá b. Abū <I>sḥāq, the ruler of Castell, the village[s] of

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Espel·la and Petracos to be his perpetually for the duration of the reign of the Prince, [both] for himself and his descendant.

11 [It is further agreed] that the Wazīr shall give to the Exalted Prince from the four castles, which he shall hand over to him when three years have elapsed [i.e., Margarida, Castell, Cheroles, and Gallinera], half the tithe [*al-ʿushr*]; and whatever

12 castles the Wazīr obtains <for> the ruler of Aragon, either by force or by capitulation,[5] the Wazīr shall have half of the revenue [from these castles] for the duration of the three years. But when

13 the three years expire, he [the Wazīr] shall hand them [i.e., the castles which he has obtained] over to him [the Prince] along with the four [other] castles [i.e., Margarida, Castell, Cheroles, and Gallinera]. Written on the fifteenth of the month of Dhū <al->Qaʿdah in the year 642 [15 April 1245].

Orthography

The Arabic text is written in Maghribī script. As is customary in this script, the *fāʾ* is written with a subscript dot and the *qāf* with a superscript dot. The *sukūn* appears sporadically, most frequently in *aʿwām* in lines 3, 6, 7, 8, 11, and 13. It is also used in *bism* of the *basmalah* in line 1, in *al-asʿad* and *alīfant* in line 2, in *al-asmá* and *akramahu* in line 3, in *Marghalīṭah* in lines 6 and 9, in *Ghallinayrah* in line 6, in *ḥiṣn* in line 7, in *yuʿṭiya* in line 9, in *an* and *al-ʿushr* in line 11, in *qadr* in line 12, and in *inqaḍāt, al-arbaʿah,* and *Dhī <al->Qaʿdah* in line 13. The *sukūn* is placed incorrectly in one instance: in *Baṭraqūsh* in line 10. The omission of the final short vowels is indicated in a number of instances by the use of *sukūn*: in *Qashtāl* in line 5, in *Burbunjān* and *muʾabbadah* (in which the adverbial *tanwīn* is eliminated)[6] in line 7, in *al-madhkūr* in lines 6 and 7, in *Abuh* in line 8, in *Ābuh* in line 9, in *Ishbālam* in line 10, in *ḥuṣūn* in line 11, and in *al-khāmis* in line 13. Final short vowels are retained, however, in a few cases: in *al-marjūwu* in line 2, in *al-madhkūru* in lines 3 and 6, and in *bi-fawāʾidihi* in line 7. The *tanwīn* is used in one instance, in *qadr* in line 12, most probably to lend cadence to the formula *imma bi-qadrin aw bi-awdādihim* (either by power or by their friendship). The *tashdīd* appears nine times: in *Allāh, al-raḥmān,* and *al-raḥīm* of the *basmalah* in line 1, in *al-muʿaẓẓam* and *al-*

[5] Literally: "either by power or by their friendship." Cf. above, chapter 2, note 11.

[6] On the elimination of the adverbial *tanwīn* in Spanish colloquial Arabic, see Corriente, *Bundle,* 5.4.2.

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marjūwu in line 2, in *Ghallinayrah* in line 6, in *illá* in line 7, and in *mu'abbadah* in lines 7 and 10. When the *tashdīd* occurs in combination with short vowels written above consonants (*ḍammah* or *fatḥah*), it is placed above these vowels instead of below them, as in *al-marjūwu* in line 2 and *mu'abbadah* in lines 7 and 10. When the *tashdīd* occurs in combination with the short vowel *kasrah* written below the consonant, it is placed below the vowel instead of above the consonant, as in *Ghallinayrah* in line 6. The *tashdīd* is written as ˜ when it appears above a consonant without an accompanying vowel mark, and is written as a circumflex accent when it occurs above or below a consonant with an accompanying vowel mark (ˇ with *fatḥah*; ˆ with *kasrah*; and ˆ with *ḍammah*). The *maddah* is generally omitted, as in *ālihi* in line 1, in *al-ān* in lines 4, 5, and 7, and in *ākhir* in line 4; but it does appear in *Ābuh* in line 9, and in words with a medial *alif* preceding a *hamzah*, as in koranic orthography: *fawā'id* in lines 7 and 8, *al-qāyid* in line 9, and *al-fā'id* in line 12. The *alif ṭawīlah* is used instead of the conventional "dagger *alif*" in *hādhā* in line 2, and the *alif maqṣūrah* is used for the *alif ṭawīlah* in *illá* in line 7 and in *ash-má* in line 11, presumably due to hyper-correction.[7] Vocalization signs are used sporadically throughout the text, most prominently on place names. The *fatḥah* and *kasrah* are written as a nearly horizontal diagonal stroke, while the *ḍammah* is written either as a miniature *wāw*, as in *Abū* in line 3, or as a nearly vertical diagonal stroke, as in *Burbunjān* in line 6 and *al-ʿushr* in line 11. Not realizing that the *ḍammah* is written two different ways, Barceló Torres has read some *ḍammah*s as *fatḥah*s. Only in one instance is a vowel mark placed incorrectly: in *li-ʿaqībahi*, for *li-ʿaqībihi*, in line 8.

In Spanish colloquial Arabic the *hamzah* was generally dropped or converted into a *yā'*, *wāw*, or served to lengthen the preceding vowel or consonant.[8] In this text the *hamzah* is omitted in most instances, but does appear in *al-mu'ayyad* in line 2, in *illá* in line 7, in *fawā'id* in lines 7 and 8, in *mu'abbadah* in line 7, in *Abuh* in line 8, in *Ābuh* in line 9, in *aʿwām* in line 11, and in *sitt mi'ah* in line 13. In cases in which the *hamzah* occurs at the beginning of a word and is vowelled with a *fatḥah*, the *hamzah* is written in front of the *kursī-alif* instead of on the *kursī-alif*: *Abuh* in line 8, *Ābuh* in line 9, and *aʿwām* in line 11. The placement of the *hamzah* in front of the *kursī-alif* also occurs in *mu'abbadah* in line 7, where the *kursī* of the *hamzah* is an *alif* instead of a *wāw*. When the *hamzah* occurs in a medial position preceded by a long *ā* and followed by an *i*, it is written below the *kursī-yā'*, as is the

[7] See Joshua Blau, *A Grammar of Christian Arabic* (Louvain: 1966-1967), p. 82; Blau, *On Pseudo Corrections in Some Semitic Languages* (Jerusalem: 1970), p. 78.

[8] Corriente, *Bundle*, 2.28.1-5.

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practice in koranic orthography: *fawā'id* in lines 7 and 8. When a medial *hamzah* is preceded by an *i* and followed by an *a*, it is written above the *kursī-yā': sitt mi'ah* in line 13. The *hamzah* is dropped and its preceding vowel is lengthened when it comes after a short vowel at the end of a syllable: *tārīkhihi* in line 4. The final *hamzah* preceded by a long vowel is dropped: *inqiḍā* in line 10. There are two instances where the *hamzah* is converted into a *wāw* or *yā'* when flanked by different vowels: *al-muwammal* in line 2 and *al-qāyid* in line 9. The initial *hamzah* of *Isḥāq* is assimilated in the name *Abī <I>sḥāq* in line 10. The name is thereby spelled as it would have been pronounced in dialect, *Abi Sḥāq*.[9]

Morphology and Syntax

The body of this surrender treaty consists grammatically of a main clause, which states that an agreement has been made between the two parties for a specific period of time from a fixed date, followed by a long series of subordinate noun clauses (*an* ...) stipulating the provisions of the agreement. Most of these subordinate clauses are governed by the preposition *ʿalá* (on), which can be translated as "on [the condition] that." The morphology and syntax of the text show a strong influence of Spanish colloquial Arabic.

In Spanish colloquial Arabic the third person masculine singular pronominal suffix *-hu/hi* changed to *-u* when following a consonant and *-h* when following a vowel.[10] In cases in which the vowel suffix *-u* was preceded by a vowel, the preceding vowel was dropped and the vowel suffix was lengthened, as in the following examples cited by Corriente: *rayt-ū* for *ra'aytu-hu* (I saw him), *taʿmal-ū* for *taʿmalu-hu* (you do it), *l-ū* for *la-hu* (he has), *raḥmat-ū* for *raḥmatu-hu* (his clemency), *kull-ū* for *kullu-hu* (all of it), *li-ruḥ-ū* for *li-rūḥi-hi* (for himself), and *l-aṣḥab-ū* for *li-aṣḥābi-hi* (for his friends).[11] This morphological peculiarity is reflected in the spelling of the verb *yuṣāliḥa-hu* in line 3. This is not the third person masculine plural of the imperfect subjunctive, as it appears, but the colloquial form of the third person masculine singular of the imperfect subjunctive, plus the third person

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[9] With regard to the omission of the *hamzah*, there is always the danger of ascribing a linguistic fact to what may be merely a paleographic peculiarity. A word may be spelled without a *hamzah* because it was either pronounced without it or because the author or copyist simply neglected to put it in. Conversely, a word which was pronounced without a *hamzah* may be spelled with it because the author or copyist spelled according to classical orthography.

[10] Corriente, *Bundle*, 5.12.2 and p. 98, note 141.

[11] Ibid., p. 62, note 87.

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masculine singular pronominal suffix, which in classical Arabic would be *yuṣāliḥa-hu*. *Alladhī* was used in Spanish Arabic as a universal relative pronoun, regardless of gender or number,[12] and accordingly *alladhī* is used for *allatī* in lines 9 and 11. The interrogative pronoun *ash-má* in line 11, spelled with an *alif maqṣūrah* instead of an *alif ṭawīlah*, is a colloquial contraction of the classical phrase *ayyu shay'in mā* and means "whatever."[13] In Spanish Arabic *-āt* was used as a morpheme to indicate the feminine third person singular in the perfect of *verba tertiae infirmae*,[14] and this is reflected in the spelling of *inqaḍāt*, for *inqaḍat*, in lines 7 and 13. The incorrect number of the noun is used in two instances: *khadīm* for *khuddām* in line 4, and *qaryah* for *qaryatay* in line 10.

There is an occasional confusion in the use of cases in which the nominative is used for the genitive: *Abū* for *Abī* in lines 3 and 10. Definite quantified nouns are formed according to the conventional pattern of Middle Arabic. The numeral, determined by the definite article, precedes the noun in the genitive plural, as in *al-thalāthat aʿwām[in]* in lines 7, 8, 12, and 13, and *al-arbaʿat ḥuṣūn[in]* in lines 11 and 13, contrary to classical Arabic in which the numeral, functioning as a regular adjective, follows the plural definite noun (*al-aʿwām al-thalāthah* and *al-ḥuṣūn al-arbaʿah* respectively).[15] The formula *immā bi-qadr aw bi-awdādihim* in line 12, meaning literally "either by power or by their friendship," is an odd way of conveying what seems to be meant by this phrase, i.e., "either by force or by capitulation."

In classical Arabic the terminology denoting the manner of conquest is rather standardized: "by force" being *ʿanwatan*, *qahran*, or *bi-al-sayf*, and "by capitulation" being *ṣulḥan*. On the Latin formula being echoed here from King James's other treaties, see chapter two above, note 11 and text. The sentence in line 12, *yakūnu lahu al-wazīr fīhā nisf al-fā'id*, is a colloquial construction which translated literally means "there will be to him, [namely] the Wazīr, with regard to them [i.e., the castles], half of the revenue"; in other words, "the Wazīr shall have half of the revenue [from the castles]." Lines 9-10 contain a sentence using an inverted word order (verb – indirect object – subject – direct object): *ʿalá an yuʿṭiya lil-qāyid Abū Yaḥyá ibn Abī <I>sḥāq ṣāḥib Qashtāl al-malik al-muʿazzam qaryat Ishbālam wa-Baṭraqūsh*, which is translated as "the Exalted Prince [also agrees] to give to the *qā'id* Abū Yaḥyá b. Abū <I>sḥāq, the Lord of Castell, the village[s] of Espel·la and Petracos."

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[12] Ibid., 5.12.4.
[13] Ibid., 5.12.5, 7.2.2, 9.2.5, and p. 99, note 148.
[14] Ibid., 6.6.5.
[15] Ibid., 7.1.2; Blau, *Christian Arabic*, pp. 380-381.

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Authorship

The foregoing analysis of the text shows that it was strongly influenced by the colloquial language. While colloquialisms and deviations from classical Arabic are to be found in other Arabic documents of this period as well as of later periods,[16] the extent of colloquial usage seems to be related to the circumstances under which the documents were produced. That is, colloquial usage appears to be more prevalent in documents originating outside of major Islamic chanceries than in those documents produced in official state chanceries, where stricter literary standards would have been applied. This text was not the product of a major Islamic chancery, but was most likely produced by Alfonso's chancery. Although one cannot entirely exclude the possibility that this text was drafted by al-Azraq's chancery, written in the name of Alfonso just as the first part of the Castilian text is written in the name of al-Azraq, three factors weigh against this probability: 1) the evidence for the widespread existence of bilingual charters during James's reign and a special secretariat proficient in drafting documents in Arabic; 2) the interlinear layout of the document which suggests that the two texts were arranged and executed on the page by the same chancery; texts drafted separately by different chanceries would most likely have appeared either on separate pages or following one another in succession; and 3) the internal evidence of the text itself which confirms that Alfonso is the originator of the document, indicating that it was most probably produced by his chancery.

Although the scribe who wrote this text is likely to have been a member of Alfonso's chancery, he did not observe the idiom and rhetorical conventions of Christian chancery practice, but adhered to the standard conventions of Islamic chancery practice current at the time. The document begins with the standard introductory invoca-

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[16] See Michele Amari, ed., *I diplomi arabi del R. Archivio fiorentino* (Florence: 1863); Pedro Longás, "Capitulaciones celebradas para el rescate de Abu Omar Muza Benibrahim, visir (?) del reino de Fez, cautivo en el reino de Aragón," *Homenaje a Menéndez Pidal*, 3 vols. (Madrid: 1925), III, 551-561; Isidro de las Cagigas, "Un Traité de paix entre le roi Pierre IV d'Aragon et le sultan de Tunis Abū Isḥāq II (1360)," *Hespéris*, XIX (1934), 65-77; Alarcón and García, *Documentos*; Évariste Lévi-Provençal, ed., *Trente-sept lettres officielles almohades* (Rabat: 1941); idem, "Un recueil de lettres officielles almohades," *Hespéris*, XXVIII (1941), 1-80; Wilhelm Hoenerbach, ed., *Spanisch-islamische Urkunden aus der Zeit der Naṣriden und Moriscos* (Bonn: 1965); Luis Seco de Lucena, *Documentos arábigo-granadinos* (Madrid: 1961); John Wansbrough, "A Moroccan Amīr's Commercial Treaty with Venice of the Year 913/1508," *Bulletin of the School of Oriental and African Studies*, XXV (1962), 449-471; and Barceló, *Minorías islámicas* (see above, chapter 1, note 10 and text).

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tions found on Almohad documents, the *basmalah* and *taṣliyah*, separated by a wide space. The same introductory invocations separated by a blank space are found on a contemporary letter of the Almohad caliph al-Murtaḍá to Pope Innocent IV.[17] Immediately following these pious invocations is the opening formula *hādhā ẓahīr karīm* (this is a noble decree), indicating the nature of the document. This is followed by another formula generally restricted to those in political authority: *amara bihi* ([Alfonso] enjoined [him] to do it). These same paired formulas appear on decrees issued by both Almohad and Ḥafṣid chanceries.[18] The only other surrender accord between Muslim and Christian forces to have survived in its Arabic version from the thirteenth-century realms of Aragon is also written in the form of a decree. This is the brief note of surrender by Abū Isḥāq al-Ashqarī of the castle (*ḥiṣn*) of "Gharj" to Peter the Great, dated 23 Ramaḍān 675/28 February 1277. (The place is medieval Garg, modern Garx and Gartx near Bolulla.)[19] This suggests that the Arabic versions of

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[17] Eugène Tisserant and Gaston Wiet, "Une Lettre de l'Almohade Murtaḍā au pape Innocent IV," *Hespéris*, VI (1926), 27-53. Ḥafṣid documents also begin with the *basmalah* and *taṣliyah* separated by a blank space. See Andrés Giménez Soler, "Episodios de la historia de las relaciones entre la Corona de Aragón y Túnez,"*Anuari de l'Institut d'estudis catalans*, I (1907), 199 (Alarcón and García, *Documentos*, doc. 117); 201 (Alarcón and García, *Documentos*, doc. 118); 203 (Alarcón and García, *Documentos*, doc. 121); 215 (Alarcón and García, *Documentos*, doc. 122); and 219 (Alarcón and García, *Documentos*, doc. 129); Giménez Soler, ed., "Documentos de Túnez, originales ó traducidos, del Archivo de la Corona de Aragón," *Anuari de l'Institut d'estudis catalans*, III (1909-1910), 237 (Alarcón and García, *Documentos*, doc. 132); 239 (Alarcón and García, *Documentos*, doc. 131); 249 (Alarcón and García, *Documentos*, doc. 136); and 251 (Alarcón and García, *Documentos*, doc. 138).

[18] See a decree of the Almohad caliph Abū Yaʿqūb Yūsuf II al-Mustanṣir with the monks of Poblet, dated 20 Rabīʿ II 614/27 July 1217 (Pascual de Gayangos y Arce, "Documento arábigo del monasterio de Poblet," *Memorial histórico español: colección de documentos, opúsculos y antigüedades* [48 vols., Madrid: 1851-1918], VI, 111-119); René Dagorn, "Le Document almohade de Poblet," *Les Cahiers de Tunisie*, XXIII, no. 91-92 (1975), 69-90; idem, "Le Document almohade de Poblet," *Islamo-christiana*, VII (1981), 147-166; and a decree of the Ḥafṣid ruler Abū al-Baqāʾ b. Abū Zakarīyāʾ, dated 30 Jumādá II 709/5 December 1309 (Alarcón and García, *Documentos*, doc. 125).

[19] The Arabic is in Ferran Soldevila, *Pere el Gran*, 2 parts in 4 vols. (Barcelona: 1950-1962), part 2, I, 86. The name of the *qāʾid* surrendering in the original manuscript, however, is not al-Ashri as in Soldevila's caption, nor al-Asqarīʾ as in Juan Vernet's translation there, but al-Ashqarī. Guichard has a discussion and plan of Garx in "Castillos musulmanes del norte," pp. 39-40; see also Burns, "Pere el Gran and the Countercrusade," note 153 and text. On *ẓahīr* (pl. *ẓahāʾir*) and its employment in Islamic chanceries in Spain and North Africa, see G. S. Colin, "Diplomatic, ii. Maghrib," *Encyclopaedia of Islam, New Edition*, ed. H.A.R. Gibb, J.H. Kramers, Évariste Lévi-Provençal, et alii, 9 vols. to date (Leiden: 1960-), hereafter *EI*^{2}, II, 308; Dagorn, "Le Document almohade" (1975), 72-73; idem, "Le Document almohade" (1981), 150-152; and Shihāb al-Dīn Aḥmad b. ʿAlī al-Qalqashandī, *Ṣubḥ al-aʿshá fī ṣināʿat al-inshāʾ*, ed. Muḥammad ʿAbd al-Rasūl Ibrāhīm, 14 vols. (Cairo: 1913-1919), X, 299, 303-305; XI, 6-28.

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the many surrender agreements that the Christians negotiated with the Muslims during the thirteenth-century Valencian crusades were probably written in the form of decrees. A decree may have been deemed an appropriate form for a surrender agreement since it implies that a tributary relationship exists between the two parties entering the agreement.

Following this conventional preamble is the name of the offeror of the decree, Alfonso, followed in turn by the name of the offeree of the decree, al-Azraq, each name being preceded by appropriate honorific titles common to the titulature of Islamic Spain and North Africa. Al-Azraq's name is followed by the widely used invocation found on numerous Arabic documents, *akramahu Allāh* (may God honor him). Then follows the main clause beginning the body of the text, which declares that an agreement has been concluded between the two parties, the duration of the surrender agreement, and the time of its commencement. The terms of the agreement, which form the bulk of the text, come next. The document terminates with the date of issue introduced by the formula *kutiba fī* (written on/in), which is the most common dating formula used on documents from Islamic Spain and North Africa.

The scribe who wrote this text was obviously very familiar with Islamic chancery practice. Since such familiarity is not likely to have been gained except through firsthand experience, it is reasonable to assume that the scribe had once been employed in an Islamic chancery. He was either commissioned ad hoc by Alfonso to draw up this text or was a member of Alfonso's chancery. Given the existence of an Arabic secretariat within James's chancery and the persistent need to issue documents in Arabic during this period, it is most likely that this scribe was a member of Alfonso's chancery. In the service of his new Christian lord, the scribe continued to perform his professional duties much as he had done under his former Muslim master.

If our contention is correct that this text was written by a scribe in Alfonso's chancery, it is quite probable that he was a Jew rather than a Muslim. James's Arabic secretariat was staffed by Jews, and Alfonso surely employed Jews as well in the Arabic section of his own chancery.[20] Jews filled government and administrative posts in contempo-

[20] On Jews in Arabic sections of an Infant's chancery, see Burns, *Society and Documentation in Crusader Valencia*, vol. I of his *Diplomatarium of the Crusader Kingdom of Valencia: The Registered Charters of its Conqueror, Jaume I, 1257-1276*, 2 vols. to date (Princeton: 1985-), I, 125-133.

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rary Islamic regimes,[21] and their expanded participation in the civil bureaucracy of crusader Valencia would seem to have been based to some extent on their prior role in the government of Islamic Valencia, however modest it may have been. The persecutory policy of the Almohads need not invalidate this conclusion, given the conservative nature of bureaucracy and the contemporary North African evidence of Jewish officials working in revenue offices. The Jewish community did not completely fade away under Almohad rule. Many Jews were expelled, but a good number adopted Islam and made a pretense of belief in order to secure their livelihood and maintain their positions in society. The scribe who wrote this text may well have been a Jew whose family had converted to Islam under pressure and, following the demise of Islamic rule, had reverted back to Judaism. Christian domination of Valencia offered greater opportunity to the Jewish professional classes, as their linguistic and administrative skills were put to use by the new colonial regime in administering the subject Muslim majority population. The fact that the text follows the conventions of Islamic chancery practice, including the obligatory introductory invocations of the *basmalah* and *taṣliyah*, does not preclude the possibility that a Jewish scribe wrote it, since the document was drafted in Arabic expressly to convey to al-Azraq the terms of surrender in the language and idiom which he understood. Deviation from the conventions with which he was familiar could have undermined the validity of the document.

The discrepancies between the Arabic and Castilian texts of the document are due to the manner in which this surrender treaty was drafted. The negotiation process by which this treaty was reached was quite likely a protracted one, judging from al-Azraq's position of strength, and probably entailed a lengthy exchange of proposals and counterproposals prior to final agreement on terms.[22] Although the two parties probably hammered out the terms of agreement together, the drafting of the treaty was left solely to the Christian party. The discrepancies between the two texts do not appear to be the result of

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[21] See S. D. Goitein, *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza*, 6 vols. (Berkeley: 1971-1993), II, 374-380; Antoine Fattal, *Le Statut légal des non-musulmans en pays d'Islam* (Beirut: 1958), pp. 257-261; Eliyahu Ashtor-Strauss, "Saladin and the Jews," *Hebrew Union College Annual*, XXVII (1956), 305-326; Malcom C. Lyons and D. E. P. Jackson, *Saladin: Politics of the Holy War* (Cambridge, Eng.: 1982), p. 56; and R. Stephen Humphreys, *From Saladin to the Mongols: The Ayyubids of Damascus, 1193-1260* (Albany: 1977), pp. 377-380.

[22] See the discussion of surrender negotiations in Burns, *Islam under the Crusaders*, pp. 164-173.

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Christian deviousness—a plot to deceive al-Azraq by not including all of the terms in the Castilian text of the agreement and by inserting an obligation of vassalage not mentioned in the Arabic text. Rather, the two texts were written for two different audiences; the terms of agreement in each were formulated in the context in which they were understood by the respective contracting parties. The Arabic text, which lists the full terms of agreement in complete and straightforward detail, clearly reveals the concerns and interests of the Muslim party. The Castilian text, written after the Arabic version was drafted, is not a translation of the Arabic but a separate version of the treaty with a markedly different emphasis. The simple three-year agreement of the Arabic text is interpreted as a feudal submission of vassalage. Fidelity and vassalage are stressed repeatedly while the terms of agreement are swept over in a summary fashion. This reflects the optimism of the Christian party and what they ultimately hoped to achieve by this surrender treaty.

The divergent texts of this bilingual treaty and the manner in which it was drafted may be peculiar to crusader Valencia, or have wider relevance to medieval diplomatic practice in Spain and elsewhere along the Christian-Islamic frontier in the Mediterranean world. Commenting on how crusader-Muslim truce agreements were concluded in the Levant during the early Mamlūk period, al-Qalqashandī conjectures that the terms of agreement were reached by the two parties clause by clause, with special care taken to insure that the two texts of the document matched one another.[23] Surviving examples of Christian-Islamic bilingual treaties tell a different story. Discrepancies, both major and minor, are not uncommon in bilingual treaties.[24] Although these discrepancies could be regarded as

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[23] Al-Qalqashandī, *Ṣubḥ*, XIV, 70-71. On al-Qalqashandī's remarks and other aspects of Mamlūk truce agreements with the crusader states, see P. M. Holt, *Early Mamluk Diplomacy (1260-1290): Treaties of Baybars and Qalāwūn with Christian Rulers* (Leiden: 1995); idem, "Qalāwūn's Treaty with Acre in 1283," *English Historical Review*, XCI (1976), 802-812; idem, "The Treaties of the Early Mamluk Sultans with the Frankish States," *Bulletin of the School of Oriental and African Studies*, XLIII (1980), 67-76. See also P. M. Holt, "Qalāwūn's Treaty with Genoa in 1290," *Der Islam*, LVII (1980), 101-108, and idem, "Baybars's Treaty with the Lady of Beirut in 667/1269," in *Crusade and Settlement*, ed. Peter W. Edbury (Cardiff, U. K.: 1985), pp. 242-245; and idem, "The Mamluk Sultanate and Aragon: The Treaties of 689/1290 and 692/1293," *Tārīḫ*, II (1992), 105-118.

[24] See the examples cited in John Wansbrough, "Diplomatica siciliana," *Bulletin of the School of Oriental and African Studies*, XLVII (1984), 18. See also the earlier studies by Wansbrough on Islamic documents: "A Mamlūk Letter of 877/1473," *Bulletin of the School of Oriental and African Studies*, XXIV (1961), 200-213; "A Moroccan Amīr's Commercial Treaty with Venice of the Year 913/1508," above in note 17; "A

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deliberate or accidental, there is good reason to suggest, as John Wansbrough does, that they are due to "a degree of informality in the drafting of ... international documents," and are not necessarily intentional.[25] The variable nature of the drafting process itself, subject to the fluctuating levels of competence of the individual negotiators and scribes recruited to draw up international agreements, insured that unintentional discrepancies would occur in bilingual treaty documents of the medieval period. International diplomacy during the Middle Ages was not so rigorous as to preclude idiosyncrasies and discrepancies from entering political agreements, and surrender treaties especially appear to have taken for granted customary or previously established arrangements that one or both parties deemed too obvious to specify. Further study of bilingual documents may shed more light upon medieval Christian-Islamic diplomatic practice. Since the al-Azraq pact is the only medieval Christian-Islamic surrender treaty to survive with its bilingual texts fully intact, it is not only an extraordinary treasure for the Maghrib but also for the whole genre of Christian-Islamic surrender treaties. The action at al-Azraq's castle in the Valencian mountains on that fateful day of 1245 therefore now has wider significance for medieval and Islamic-Christian studies.

Mamluk Ambassador to Venice in 913/1507," *Bulletin of the School of Oriental and African Studies*, XXVI (1963), 503-530; "Venice and Florence in the Mamluk Commercial Privileges," *Bulletin of the School of Oriental and African Studies*, XXVIII (1965), 483-523; "A Mamluk Commercial Treaty Concluded with the Republic of Florence," in *Documents from Islamic Chanceries*, ed. Samuel Miklos Stern (Cambridge, Mass.: 1965), pp. 39-79; and "The Safe-Conduct in Muslim Chancery Practice," *Bulletin of the School of Oriental and African Studies*, XXXIV (1971), 20-35.

[25] Wansbrough, "Diplomatica siciliana," 18.

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9. The al-Azraq Treaty (1245). Arxiu de la Corona d'Aragó, Barcelona; Cancelleria Reial, Jaume I, pergamí 947.

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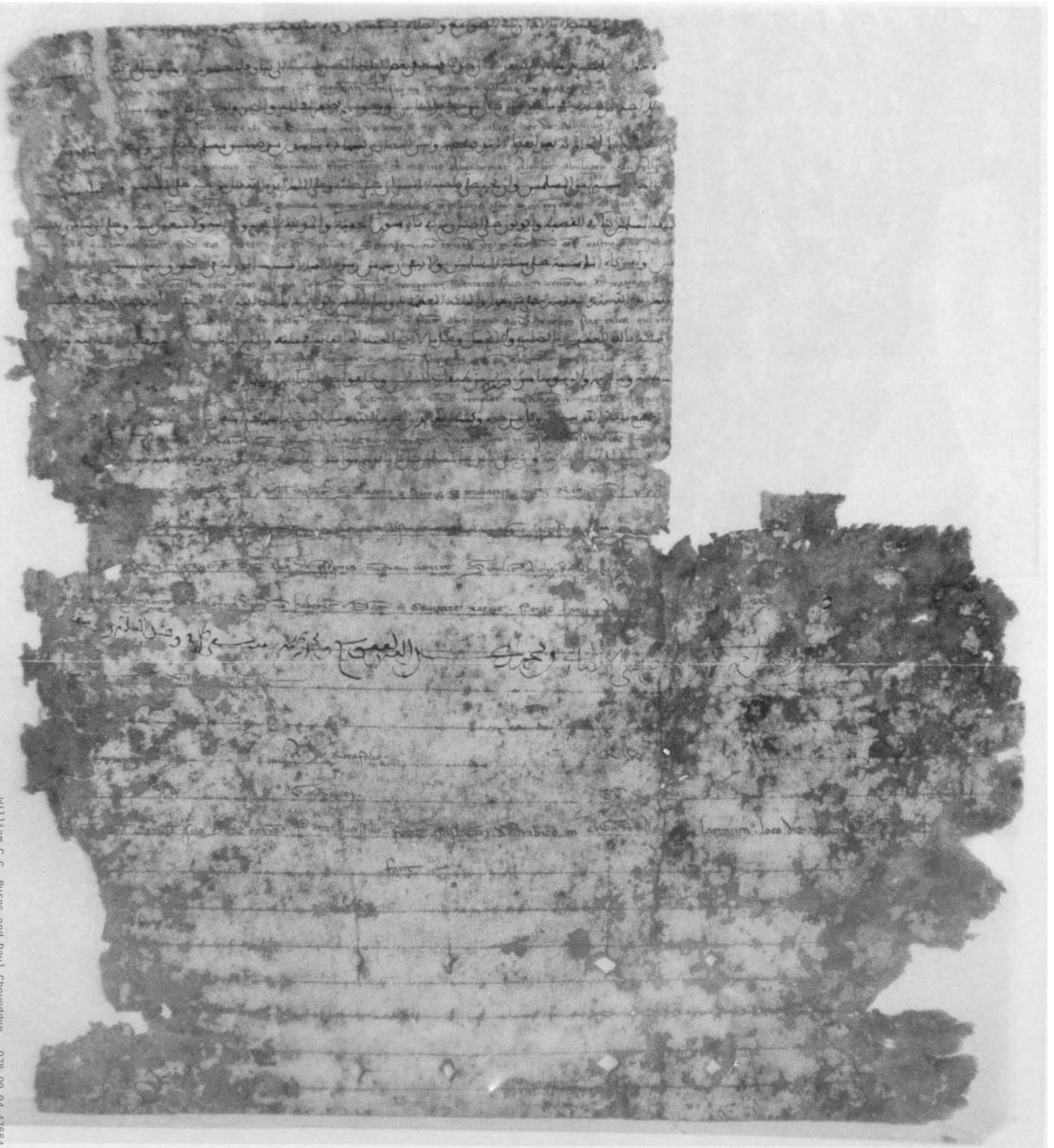

10. The Játiva Treaty (1244). Arxiu de la Corona d'Aragó, Barcelona; Cancelleria Reial, Jaume I, Pergamins: Apèndix 41.

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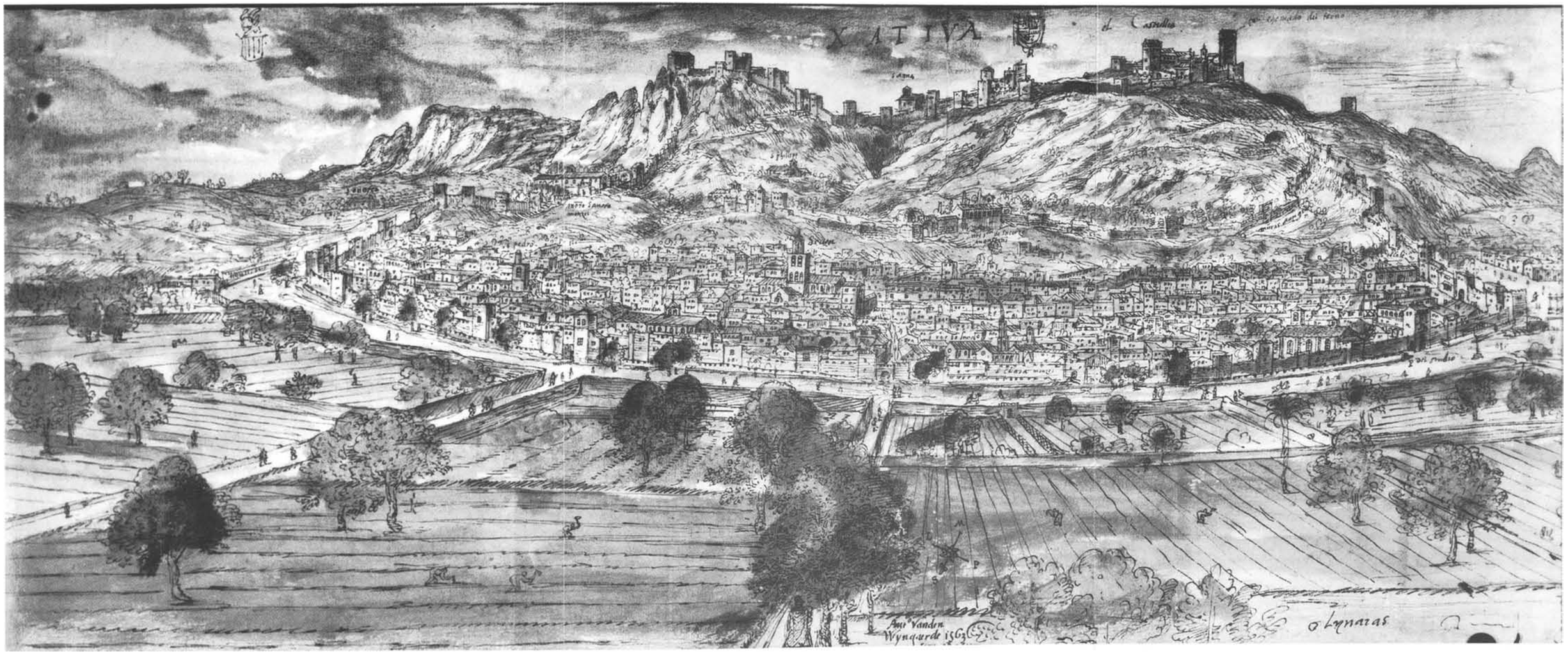

11. Játiva, Town and Twin Citadels, 1563, detail of view by Anton van den Wyngaerde, one of the many drawings of Spanish cities that Philip II commissioned from the artist, now in the Österreichische Nationalbibliothek in Vienna (Cod. Min. 41, fol. 70r). In the center of the town stands the Seo or main church, a fifteenth-century edifice of Gothic design that was built upon the congregational mosque of the city. The view shows the church and the remains of the mosque before the structure was rebuilt in Renaissance style at the end of the sixteenth century. Looming above the town is the rocky ridge of Monte Bernisa with its twin citadels, both of Islamic origin. By the terms of the 1244 Játiva treaty, the smaller citadel, to the left (east), was to be handed over to King James, while the larger citadel, to the right (west), was to be kept by Abu Bakr for two years more. At the final transfer in two years, the king would choose for the Muslims a replacement castle to substitute for Játiva's major castle. The twin citadels have been described as the most formidable of Islamic Spain's freestanding castles.

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PART TWO

JÁTIVA AND JAMES THE CONQUEROR

"Játiva is the finest castle in the world
and the wealthiest I or any person has
ever seen."

Queen Violant

"I could not be king of the Kingdom of
Valencia if Játiva were not mine."

King James the Conqueror

"There is no better castle in all al-Andalus."

Abū Bakr Muḥammad b. Yaḥyá
Ibn ʿĪsá al-Khazrajī, *qāʾid* of Játiva

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CHAPTER FOUR

JÁTIVA: KEY TO THE SOUTH

Játiva lay along a crest in a tangle of mountains, where the Alcoy massif ends in the rock wall of the Sierra del Castillo, some fifty miles southwest of Valencia city and a hundred feet above sea level. Strung out from west to east, its white battlements and multiple towers comprised a main castle and a conjoined lesser castle. Some historians consider it to have been the most formidable of Islamic Spain's free-standing castles. Further down the slope from the castle sprawled a large town, within its own extension of the castle walls. Around this complex spread the irrigated green countryside whose beauty matched that of the castle. Under both Muslims and Christians, Játiva also formed the center of an extensive administrative region, dotted with other castles or fortifications, walled towns, villages and homesteads.[1]

"The Finest Castle in the World"

Islamic geographers and historians sang Játiva's praises. Yāqūt al-Ḥamawī compiled his geographical encyclopedia around 1225 in the Near East, giving ample space to Játiva as "a large and ancient city," famed for its paper manufacturing and for its "notable personages." The celebrated geographer al-Idrīsī, writing in mid-twelfth century in Sicily, described "a handsome town whose strength and beauty have

[1] On Islamic Játiva down to the conquest see the comprehensive and penetrating *Xàtiva musulmana (segles VIII-XIII)* by María Jesús Rubiera and Míkel de Epalza. Also useful are the last sections of Ambrosio Huici Miranda, *Historia musulmana de Valencia y su región: novedades y rectificaciones*, especially III, 227-270. The indefatigable local historian Carlos Sarthou Carreres has left much useful data in his articles and books, especially his *Datos para la historia de Játiva*, 3 vols. in 4 parts (Játiva: 1933-1935, partial reprint Valencia: 1976) and his *El castillo de Játiva y sus históricos prisioneros*, 3d edn. revised (Valencia: 1951). Of little use today for our own period is the older *Xátiva: memorias, recuerdos y tradiciones de esta antigua ciudad* by Vicente Boix (Játiva: 1857, reprint Valencia: 1980). Agustí Ventura i Conejero, official chronicler of Játiva, has in preparation a book on the castle of Játiva. The contributions of Burns, Guichard, Molina López, and O'Connor will appear in notes below. Jordi Bruguera's philological edition of King James's *Llibre dels feyts* has the spelling once as Ixàtiva, three times as Exàtiva, and 85 times as Xàtiva, closest to Arabic *Shāṭibah* and ancient Latin/Iberic *Saetabis*.

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become proverbial"; its fortresses [*qiṣāb*] "are a model of quality and inaccessibility." In the mid-eleventh century the Andalusī geographer al-ʿUdhrī wrote that "its castle [*ḥiṣn*] is inaccessible and has no like." The Andalusī geographer al-Ḥimyarī saw the complex of city and castle as secure and "inaccessible." Ibn Ṣāḥib al-Ṣalāt at Játiva in 1172 recorded its "fortresses [*qiṣāb*] elevated and inaccessible," with outlying towers. Míkel de Epalza notes that Játiva's defense system involved a network of other castles and fortifications as a military zone. Like any major fortification or urban conglomeration, Játiva and its castle had doubtless evolved, especially under the Almohads just before the crusade; but archeologists have not yet clarified for us these processes in Islamic or Christian eras.[2]

Muslim commentators on the centuries preceding the crusade usually included the Játiva region as a principal component of eastern al-Andalus; so did the Christians. Ibn Khaldūn enumerates the main regions above Murcia as Valencia, Alcira, Denia and Játiva; and al-Ḥimyarī includes Játiva among the eleven main centers of Mediterranean al-Andalus. When the English king cruised that coast in 1190, Walter of Coventry tells us, there were five "principal kings" (Almohad governors or castellans); Játiva appears among the five areas as "Oedeeb castellum," Latin Iatib thus standing for Arabic Shāṭibah. The designation "castle" for the whole here is significant.[3]

One of our best descriptions of Játiva's castle comes from Bernat Desclot, writing his memoirs in the second half of the thirteenth century; he is usually identified with Bernat Escrivà, a functionary in Valencia under James the Conqueror and royal treasurer under the next king Peter the Great. Desclot says that King James was able to conquer Játiva only by cunning diplomacy. The castle held provisions for three years, its own abundant spring, and a single approach. The approach was so narrow that "twenty men could hold off ten thousand." Nowhere in the world was there "a castle so strong or regal."[4]

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[2] Rubiera-Epalza, *Xàtiva musulmana*, pp. 132-134 for al-ʿUdhrī, al-Idrīsī, al-Ḥimyarī, and Ibn Ṣāḥib al-Ṣalāt. Yāqūt al-Ḥamawī, *Muʿjam al-buldān*, 5 vols. (Beirut: 1955-1957), its Iberian sections translated as *La España musulmana en la obra de Yāqūt (s. XII-XIII)*, transl. Gamal ʿAbd al-Karīm (Granada: 1974), pp. 189-191.

[3] See the individual authors as cited in Burns, *Islam under the Crusaders*, pp. 51-54. And see the *Memoriale Fratris Walteri de Coventria*, ed. William Stubbs, 2 vols. (London: 1872-1873), I, 407: "terra regis de Valencia qui est frater predicti Almiramimoli, in cuius dominatione sunt Oedeeb castellum et Stuve castellum et Valencia civitas et Burriana civitas et Penisc[o]la et alia castella multa." *Stuve* seems a mistranscription for Shuqr or Shucr (Júcar) a common name for Alcira.

[4] Desclot, *Llibre del rei En Pere*, c. 49: "un castell que al món no n'ha tan forts ne tan reial"; "és tan forts que no hi pot hom muntar sinó per un lloc, e aquell lloc guardarien vint hòmens a deu míl·lia."

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The junior contemporary Ramon Muntaner, who as a boy knew James the Conqueror and who had retired to Valencia to write his memoirs, states that "the castle of Játiva is the most noble [*reial*] castle that anyone ever had—that is, any king; and the town is fine and large and of great worth and strong and well-walled."[5] The Conqueror himself has left his own impressions. At his first sight of this "castle so noble and so beautiful and its countryside so beautiful," the king says that he experienced "great joy and great happiness in my heart." Then and there he determined "to take the castle for Christendom" and for God's service, and of course for himself. To the *kātib* or secretary of Játiva's ruler in 1244 King James declared that Játiva was "the noblest place" in the Valencian lands "except for Valencia city"; it was "the key to the rest of the kingdom, and I could not be king of the kingdom of Valencia if Játiva were not mine." James's Hungarian queen, Violant, echoed the king's description: "It is the finest castle in the world and the wealthiest I or any person has ever seen." The ruling *qā'id* boasted in turn to James that "there was no better [castle] in all al-Andalus."[6]

In rejecting a call to surrender to the king's investing armies, the *qā'id* replied that "should he surrender the castle for so little [cause], Moors and Christians both would hold him in contempt; and though the *qā'id* is not of your religion nor the Moors, they would shame themselves before you" by surrender.[7] Desclot describes the *qā'id* in his splendor at that time. "It was clear that he was a distinguished [*honrat*] man; he came on a handsome piebald horse, its saddle and harness worked in gold leaf with his arms, the bridle and reins of silk

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[5] Muntaner, *Crònica*, in Soldevila, *Quatre grans cròniques*, c. 9: "és lo pus reial castell que null hom haja, ço és, negun rei; e la vila, bona e gran e de gran valor e forts e ben murada."

[6] James I, *Llibre dels feyts*, c. 353: "que·l pus bell castell és de mon e·l pus rich que jo anch veés ne nuyl hom." C. 318: "e veem la pus bella orta que anch havíem vista en vila ni en castell, e que y havia més de CC algorfes"; "lo castell tan noble e tant bel, e tan bela orta, e haguem-ne gran gog e gran alegre en nostre cor"; "mas per haver lo castell per crestianisme." C.350: "Xàtiva era lo pus noble loch que y fos, de València enfora"; "car era clau de l'altre regne [e nos no seríem rey del regne] de València, si Xàtiva no era nostra." C.336: "vós sabets bé lo castell de Xàtiva qual és, que no n'a altre meylor en tota la Endeluzia." The phrase in brackets in c. 350 is not in the Poblet manuscript and thus not in the Bruguera critical edition except in a note; but the other manuscript and printed editions have it, and the text makes no sense without it. One manuscript omits "altre"; if retained it may mean "the rest of" or even "the whole" Valencia to come.

[7] Ibid., c. 336: "e que ell retés lo castell per tan poch, tenrien-lo-li los moros e los crestians en mal; a jassia que l'alcait no sia de la vostra ley ni los moros, vergonya haurien de vós si faÿen ço que lleig los estegués."

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with bosses of silver, inlaid with precious stones and with pearls inset; and he was clothed in scarlet with gold borders; and he carried no weapons except a sword hanging from his neck, very valuable and bejewelled; and he brought with him [to the meeting] four hundred Saracens with lances and with javelins and with good crossbows who feared no man in combat." The king addressed him: "I hold you for an aristocrat [*gentil hom*] and I have heard great things said of you."[8]

Játiva castle was still imposing in 1564 when Martí de Viciana described it as the principal among "all the castles of the realms of Aragon." At that time Philip II commissioned two panoramic drawings by the Flemish artist Anton van den Wyngaerde.[9] The double castle stands out in the drawings in bold detail, many of its thirty enveloping towers visible. Játiva itself was then still the second city of the Valencian kingdom, an administrative and military center with some 10,000 inhabitants. The castle was so secure that it had long served to house distinguished political prisoners, some ten during the Christian medieval period. Half a dozen modern wars would swirl around it, even after it had become a ruined shell. Napoleonic armies would make it their headquarters in their struggle to keep Valencia, for example, and Francisco Franco's troops would take the city by assault in 1936.

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[8] Desclot, *Llibre del rei En Pere*, c. 49: "e venc ab lo rei parlar en la host, e parec bé que fos honrat hom, que ell venc en un cavall liart molt bell, a la sella e el pitral obrat ab fulla d'aur de son senyal e el fre e les regnes de seda ab platons d'argent, ab obra entallada ab péres e ab perles encastades; e fo vestit d'escarlata ab fresadures d'aur, e no aportà negunes armes mas una espaa pendent en son coll, molt rica amb ric guarniment; e amenà ab si quatre-cents sarraïns, ab llances, e ab dards e ab bones ballestes, qui no dubten null hom d'armes"; "jo us tenc per gentil hom e he oït gran bén dir de vós."

[9] *Spanish Cities of the Golden Age: The Views of Anton van den Wyngaerde*, ed. Richard L. Kagan (Berkeley/Los Angeles: 1989), pp. 208-212. Philip II described it in 1596 as "populated by knights and wealthy nobles", with 3,000 houses in the city and 3,000 in the immediate suburbs. Less brilliantly produced but with more extensive commentary is *Les vistes valencianes d'Anthonie van den Wijngaerde [1563]*, ed. V. M. Rosselló i Verger, Julià Esteban Chapapría, Ricard Sicluna Lletget et alii (Valencia: 1990), ch. 6, pp. 259-301. The sixteenth-century chroniclers Francesc Diago, Gaspar Escolano, and Martí de Viciana have also left us descriptions of Játiva and its castle; the main or eastern of the two joined castles had two great towers and twenty lesser towers, the western castle had eight towers. In 1596 there were 2,000 houses within the city walls and some 3,000 outside, with a further hundred towns and villages under its jurisdiction. Sarthou Carreres describes the 1707 defense of the doomed city, "street by street and house by house," over piles of cadavers, and a fire that burned from mid-June to mid-July, but with one eyewitness asserting that the destruction was selective rather than general (*Castillo de Játiva*, pp. 68-70; quote, pp. 11, 28).

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One war spelled the doom of Játiva and its castle. In 1707 King Philip V, enraged at its masterful defense against his armies, burned the town and its archives, wrecked the castle, and deleted the very name from maps for over a century. He allowed a small provincial town called San Felipe, after his own patronal name, to arise in its stead. The "Martyr City of the War of Succession" had its ruin completed by the earthquake of 1748. The Napoleonic forces under Marshal Suchet soon dismantled much of what was left of the fortifications. Despite this sad fate, the castle ruins are still imposing, taking the tourist's eye for many miles on his approach, "an epic poem petrified," declared since 1931 a national monument of Spain.

Historiographical Enigma: The Surrender Date

King James did not conquer Játiva at any one time, but rather by stages of bullying and negotiation. Historians have consequently argued for dates as different as 1244, 1248, 1249, and 1251. Most today opt for 1244, seeing other dates as involving merely allied or validating activity, as preparing the way for 1244 or as further extending its program. Two reasons encourage this view. The king himself in his autobiography prefers to see that episode as the crucial and definitive surrender, describing the siege as briefly interrupted by the Almirra or Almiçra treaty with Castile in March 1244. This chronology seems supported by the king's itinerary for 1244, as collected from date lines of crown documents by Joaquim Miret i Sans. James is seen at Barcelona on January 21 and then at Játiva on February 11 and March 10. After the interruption for the treaty at Almirra on March 25 and 26, he surfaces again at Játiva on March 29 and 30 and then on May 10.[10] This invites a dating of February 11 to May 10; it can be extended by adding a previous date of January 7 at Játiva, and a plausible number of days between the king's last appearance on May 10 at Játiva until his next appearance on June 6 away at Ondara. The siege would then span the period January 7 to some time after May 10, with the surrender coming in May. At least one element of that

[10] Miret i Sans, *Itinerari*, pp. 165-170, 551-552, 576-577 (corrections). Soldevila argues that the Játiva dates of February belong in 1245, though with the king's presence at Játiva on January 7 and at Almirra on March 25 and the rest as given here. Miret posits three sieges (p. 577) but describes also a fourth (p. 171). His main siege begins at least by 30 December 1243, with the king "in siege" by 4 January 1244 and in 11 February 1244 and 8 February 1245 (pp. 165, 171, 551 note).

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reconstruction is false; recovery of the original treaty now proves it was signed on June 5.[11] The pedigree for 1244 also includes the sixteenth-century chronicler Martí de Viciana, based on a report he alone saw in the Játiva archives, now long lost. And a fifteenth-century chronicle at Teruel has a brief note that "Játiva was conquered" in 1244.[12] While the fact of a siege and treaty in 1244 is clear, the king's reminiscences were too often bent by his ego or policies to be taken entirely at face value. Full testing of his personal presentation requires our reproducing the basic historical context and the sequence of the several sieges and seizures.

It will be helpful first to summarize the variety of historians' conclusions on the date of Játiva's conquest and on its conversion from Islamic independence to Mudejar subservience. The very number of such sieges is in dispute. The prolific and respected Antonio Ubieto chose 1244 as the surrender date, but insists on a single siege and conquest then. Antonio Ballesteros y Beretta, equally respectable, sees only three sieges, Ventura Pascual y Beltran four or possibly five. Leopoldo Torres Balbás in turn rejects any siege in 1244. The present official town historian of Játiva, Agustí Ventura i Conejero, concludes that "Játiva was conquered on Pentecost [Sunday] of 1244, May 22, perhaps some days later, and perhaps the pact with its *qā'id* was signed on June 5, Sunday." When the Christians attempted to recover the main castle two years later, by the terms of the 1244 treaty, he argues, the action provoked the 1247 rebellion of al-Azraq. Ventura also leaves open the possibility that other treaties, now lost, may have punctuated the sequence of sieges or actions that gradually extinguished Játiva's sovereignty. Another current historian, also proceeding by a painstaking concatenation of date lines from charters and anecdotes from the king's memoirs, is Pedro López Elum. His conclusion that there were only two sieges of Játiva, one in 1239-1240

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[11] See below, p. 151. Chabás, a frequenter of archives and close student of early Christian Valencia, puts Játiva's surrender "hacia el 11 de Mayo de 1244" (*Episcopologio valentino: investigaciones históricas sobre el cristianismo en Valencia y su archidiócesis, siglos I á XIII* [Valencia: 1909], p. 356). Antonio Ubieto expands this to a range between May 22 and June 6. (*Orígenes del reino de Valencia: cuestiones cronológicas sobre su reconquista*, 3d edn., 2 vols. [Zaragoza: 1979], II, 257). For Viciana see Sarthou Carreres, *Castillo de Játiva*, p. 48.

[12] The *Crónicas de Teruel*, composed 1431-1434 and edited by A. C. Floriano, recounts under the year 1244 how "Don Yuayes Domingo Sauanero fué presá Xativa," with the marginal note on the manuscript "que lo tenían moros." See Floriano, "Las efemerides turolenses," *Jerónimo Zurita: cuadernos de historia*, II (1951), 25 (chronicle sections 69-70).

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and a second final siege in 1244, will be examined in the next chapter.[13]

The standard historian of Játiva, Carlos Sarthou Carreres, opted for 1248, or more exactly felt it imprudent to select a date, which could well be "in 1248 (or 1249 at the latest) and probably well after 1244."[14] He listed half a dozen authorities "and a large number of modern historians" who favored 1249.[15] An earlier historian of the town, Vicente Boix, posited 1249 (though a printing error also makes him seem to add 1244).[16] The authority of the great sixteenth-century archival historian Jerónimo Zurita anchored the belief of some historians in 1248, which he saw as the last in a series of three sieges and as the effective surrender.[17] Enrique Menor, an eighteenth-century archivist of Játiva, also concluded from his researches to 1248. Working in the same municipal archives, such as they were after the fire of 1707, Sarthou Carreres reported that some "documents" gave the date as 1244 or 1249 (or even in one case 1247), but that more gave 1248.[18] The widely used Espasa encyclopedia (1970) also has 1248.

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[13] Ventura Pascual y Beltran counts sieges in 1239, 1240, 1244, perhaps 1245, and in 1248 a siege for "more than a year." He first published his study in 1922 in an obscure and soon defunct seminary journal *El obrero setabense*. Regarding it as effectively unpublished, and to mark the presumed seventh centennial of the fall of Játiva he republished it a quarter-century later as "La conquista de Játiva por Don Jaime I no pudo ser en 1249," *Anales del Centro de cultura valenciana*, XVII (1949), 41-50. He sees four sieges: in 1239, 1240, 1244, and 1248. For Agustí Ventura i Conejero see below, the *Levante* article in chapter 5, note 43. For Pedro López Elum see below, chapter 5, p. 82.

[14] Sarthou Carreres, "Castillo de Játiva" pp. 53-54. In the documents of the Archivo Municipal of Játiva (after the losses of the great fire in 1707) he found one charter giving 1247, "others" with 1244 and 1249, but most ("en lo mas") 1248. The archives at that time were "a nuestro cargo" (p. 48). Elsewhere he concludes to "el más fuerte sitio de Xátiva de 1240, y el definitivo de 1248" (pp. 44-45). In his much earlier contribution to the *Geografía general del reino de Valencia*, ed. Francesc Carreras y Candi, 5 vols. (Barcelona: 1920-1927), II, 484, Sarthou Carreres had opted for 1244. See also his indecision about the date in his *Castillos de España*, p. 505, and his *Datos de Játiva*, I, 73. On Torres Balbás see below, note 20.

[15] *Castillo de Játiva*, p. 49: "una larga serie de historiadores modernos" besides Modesto Lafuente, Antonio Cárcer de Montalban, and five others named. José Martínez Aloy put the siege after 1244, at the earliest in 1248, and perhaps in 1249 (p. 48). A wide search in such archives as the Archivo Histórico Nacional in Madrid, the Arxiu de la Corona d'Aragó in Barcelona, the Valencian and Simancas general archives "y otros" by a generation of scholars had yielded no decision as to the date of surrender (pp. 50-51).

[16] Ibid.

[17] *Anales de Aragón*, 8 vols. to date (Zaragoza: 1967-), lib. III, caps. 38, 42, 44, as in 1240, April-May 1244 but unsuccessful and lifted, and February-April 1248.

[18] Sarthou Carreres, *Castillo de Játiva*, p. 49.

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The choice of 1249 goes back at least to the historian Bernadino Gómez Miedes in 1682. It was also the date entered on the modern plaque set up for tourists at the lesser castle's gate: "after four sieges, King Don Jaime the Conqueror entered victorious on the day of the Pasch of Pentecost [May 23] of the year 1249."[19]

Contemporary historians who are also knowledgeable Arabists, such as Leopoldo Torres Balbás or Emilio Molina López, have no difficulty settling on the year 1248. If the non-Arabists were influenced by the surge of Christian land grants during the years 1248 and 1249, pointing to a presumable conquest and expulsion, the Arabists followed Arabic chroniclers to the same conclusion. The biographical encyclopedist Ibn Khallikān (d. 1282), contemporary to the Játiva sieges, dated its surrender as between 18 and 28 January 1248.[20] The modern historian Muḥammad Bencheneb, collating Reconquest dates from Arabic historians, puts the surrender between 30 December 1247 and January 1248.[21] The Muslim historian best situated to know puts it in 1246 but with removal of the ruler's court in January 1248. This was Ibn al-Abbār, secretary (*kātib*) first to the ruler of Valencia Abū Zayd and then to his successor Zayyān during the crusade, who fled after Valencia city's fall to Tunis where he had access to subsequent fugitives from Játiva. The month in 1246, he says, was Dhū al-Ḥijjah, which began on May 11.[22] In the best and most recent of the Arabist accounts, María Jesús Rubiera and Míkel de Epalza in 1987 offer a nuanced sequence of episodes through 1240, the 1244 siege, the 1246 loss of the main castle, and a 1248 remove of the *qā'id* to Montesa and a flight of the elites to Islamic lands.[23]

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[19] "Después de cuatro sitios, el rey D. Jaime el Conquistador entró en el victorioso el día de Pascua de Pentecostés del año 1249." The 1248 calendar has Easter on April 19 and Pentecost on June 7; the king was at Gandía on May 19, then at Valencia on June 24. Does the inscription on the castle commemorating 1249 reflect some memory of the king's visit after removal of the Mudejars here and settlement with some Christians in 1248? Easter 1249 was April 4, but Easter of Pentecost (Pascua Granada, Pascua Secunda=Pentecost) was May 23. Miret has him in Valencia May 23 and 26-28.

[20] Torres Balbás has a long siege from 1239 into June 1240, then the main siege in 1248, basing this conclusion on the near concurrence of Zurita with Ibn Khallikān. See also Burns, *Islam under the Crusaders*, p. 342 note. Emilio Molina López, "Por una cronología histórica sobre el Šarq al-Andalus (s. XIII)," *Sharq al-Andalus: estudios árabes*, III (1986), 50, as in "muḥarram 646, primavera 1248," with no other sieges.

[21] Ibn Shanab (Bencheneb), "Notes cronologiques principalement sur la conquête de l'Espagne par les chrétiens," *Mélanges René Basset: études nord-africaines et orientales*, 2 vols. (Paris: 1923-1925), I, 76.

[22] See his *al-Ḥullah al-siyarā'* below in chapter 6, note 1.

[23] In their *Xàtiva musulmana*, pp. 102-104.

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Still another choice among general historians is 1251, influenced by the Mudejar constitution establishing the Játiva *morería* on 23 January 1251, actually 1252 by our modern calendar. The sixteenth-century chroniclers Pere Beuter and Gaspar Escolano were attracted to this date.[24] And 1252 does respond to the problem as to when Játiva's Muslims moved from truce or tributary status to established Mudejars, since four years had passed after the 1248 "fall" and nearly eight years after the 1244 surrender. A strong element of interpretation has influenced all the choices, and an argument can be made for each of them as a stage in the evolution of Játiva's long decline into subservient Mudejarism. Chronology is not enough; the meaning of each event to its contemporary protagonists must be assessed. Only then can the newly discovered text of the 1244 treaty take on its proper meaning.

In this connection, it is significant that the Christian population of Játiva never had a tradition as to which siege to celebrate. Even neighboring Alcira, which had no sieges but only the ignominious flight of its governing court, celebrated in the fifteenth century the vespers of St. Sylvester of 1243 as its conquest date. Embarrassed by this lack, the collegial canons of Játiva in 1693 chose a date with "the most exact verification" of the conquest and its purification of the main mosque, asking from the archbishop of Valencia an annual feast on that day; the archbishop concurred, but the documentation disappeared in the fire of 1707 at the capitular residence. The issue continued to trouble Jativans. As a desperate measure for the seventh centennial of the conquest the alcalde Gregorio Molina in August 1949 set up a "tradition" of surrender in 1249, expressed as a *Moros i Crestians* festivity in which an actor posing as James the Conqueror received the keys of the city from its *qā'id*.[25] In view of the gradual absorption of Játiva into Christendom, a series of dates might rather have been celebrated in sequence.

Early Contacts

Chapter one described the collapse of western Islam in the early thirteenth century, a situation inviting invasion by the Christian kingdoms. It may be well to review again briefly that confused period, this

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[24] The 1251/1252 charter is discussed below in chapter 6, note 14 and text. Beuter and Escolano are in Sarthou Carreres, *Castillo de Játiva*, p. 48.

[25] Both episodes are in Sarthou Carreres, *Castillo de Játiva*, pp. 43 note, 54-55. Burns, *Islam*, pp. 363-364; Ibn Khaldūn does have a siege of Alcira (ibid.).

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time with special attention to Játiva. The two decades preceding James's crusade against Islamic Valencia and Játiva saw the imposing Almohad empire of Spain and North Africa plunged suddenly into confusion, factionalism, and civil wars, a tragedy that has been likened to the Fall of Rome in antiquity. The death of the last caliph in 1224 had occasioned succession disputes and political fragmentation. An anti-Almohad hero, Ibn Hūd, managed to rally most of Islamic Spain around his standard at coastal Murcia, which town he entered in August 1228, proclaiming himself emir of all al-Andalus under the ʿAbbāsid caliphs of Baghdad. Just north of Murcia along the Mediterranean coast lay the only Iberian fragment still loyal to the Almohad cause, the Valencian province under its original *wālī* Abū Zayd. Almost in synchrony with the rise of Ibn Hūd, however, Valencia produced its own rebel and civil war, as a local aristocrat Zayyān Ibn Mardanīsh raised his own banner at Onda in late 1228, driving Abū Zayd to the far north and triumphally entering Valencia city.

Of the major city-regions in southern Valencia, Alcira and Játiva remained faithful now to Ibn Hūd, while Denia supported Zayyān. After a sharp but abortive campaign by Ibn Hūd to take over Zayyān's Valencia (between October 1230 and October 1231), the situation stabilized between Abū Zayd, Zayyān, and Ibn Hūd, each appointing or validating the dominant *qāʾid* in each dependent town and fortification he controlled. At Játiva, Ibn Hūd confirmed or recognized as governor a member of the Banū ʿĪsá clan, related to "the best families of the region."[26] This was a cultivated and vigorous aristocrat named Abū al-Ḥusayn Yaḥyá b. Aḥmad Ibn ʿĪsá al-Khazrajī, in power from 1231 to 1237, increasingly isolated and sovereign as the situation around him disintegrated. In what Míkel de Epalza calls the eminential mode of Islamic governance in al-Andalus, fragmentation of political power at the top left most administrative powers intact at the now separate lower levels, but with each polity instinctively seeking some validating sponsor, as Játiva looked to Ibn Hūd, Ibn Hūd to ʿAbbāsid Baghdad, and Zayyān to Ḥafṣid Tunis. Looking at the situation from below, the great historian Ibn Khaldūn in the next century noted the phenomenon of adventurers—"every *qāʾid* and man of influence" with some followers or "a castle to retire to"—assuming titles and power as local rulers.[27]

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[26] Rubiera/Epalza, *Xàtiva musulmana*, pp. 98-100. Cf. Burns, *Islam under the Crusaders*, pp. 337-340.

[27] For Ibn Khaldūn see above, chapter 1, note 2. After the fall of Valencia to King James, when Zayyān became ruler of Murcia briefly in 1239, Játiva and Alcira seem to have joined his cause for those months (Rubiera/Epalza, *Xàtiva musulmana*, p. 102).

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King James would have dealings both with Játiva's Abū al-Ḥusayn and with his son and successor Abū Bakr Muḥammad Ibn ʿĪsá. Abū Bakr ruled from 1237 until his surrender to King James in 1244 and then continued as a Mudejar ruler for decades to come. A glimpse of early confrontation between the king and Játiva's *qā'id* is preserved in letters by the latter's secretary, the *qāḍī* Ibn ʿAmīrah, a survivor who had previously served Valencia's Abū Zayd and then the conquering Zayyān. From the first letter we learn that King James had made a treaty or understanding with Ibn Hūd at some unspecified time not long before, obligating Ibn Hūd to pay tributary sums. The letter, probably in 1231 or thereabouts, reports that a Christian collector had arrived at Játiva, that troops of King James had approached closely in frightening numbers, and that Játiva could not pay the large sum demanded. In panic at the imminent war, Abū al-Ḥusayn pleaded for a general mobilization of Murcian troops to repel the threat. A subsequent letter thanked the Murcian governor for his successful intervention, the exact nature of which is not stated.[28]

King James himself later revealed in his memoirs his early relationship to Abū al-Ḥusayn. During negotiations in 1244 with the latter's son Abū Bakr, James sent word "that I had so loved the father of the *qā'id* and so loved his son, whom he had left in my care," that the king would now grant the terms requested. The random remark shows that James had some long-standing or perhaps intense connection with Abū al-Ḥusayn, or at least a diplomatic interchange that was more than passing. What was the *comanda* or "care" in which Abū al-Ḥusayn had left his son Abū Bakr? The word was a technical term for infeudation as contract vassalage. Though the Muslim would not have thought or acted within that European category, the king would have seen the interchange in that light.[29] The relationship is further

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[28] Emilio Molina López, who discovered the lost Arabic documentation on this episode, presents it especially in his "El Levante y Almería en el marco de la política interior del emir murciano Ibn Hūd al-Mutawakkil (1.236-1.238)," *Awrāq*, II (1979), 55-63 with transcriptions. He conjectures the year of these undated documents as 1236, but the date of 1231 or shortly after as in Rubiera/Epalza seems more exact (*Xàtiva musulmana*, p. 100). See also Emilio Molina López, "'Azīz b. Jaṭṭāb, destacada personalidad política, científica y literaria murciana del siglo XIII," *Miscelánea medieval murciana*, IV (1978), 63-86; and his "El gobierno de Zayyān b. Mardanīš en Murcia (1239-1241)," *Miscelánea medieval murciana*, VII (1981), 157-182, and his *Ceyt Abu Ceyt: novedades y rectificaciones* (Almería: 1977), pp. 20-33.

[29] James I, *Llibre dels feyts*, c. 354: "tant amàvem nós son pare del alcayt, e tant amàvem son fiyl qu·ens havia lexat en nostra comanda." On *comanda* see Rodón Binué, *El lenguaje técnico*, pp. 55-56, with pp. 58-60.

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clarified by an episode at the time. Abū Bakr's envoy during the 1244 siege brought a message to King James. "Why do I keep him under siege," James quotes the *qā'id*, "since I know very well that his father [Abū al-Ḥusayn] ordered him that he should not surrender that castle to any Christian in the world or to any Saracen except to me, if he had to lose it," and that consequently Abū Bakr in effect held [the castle] for me."[30]

These were evil days for Islamic Spain. Fernando III of Castile conquered great Córdoba in 1236, and in 1237 King James established his advance post at Puig to besiege Valencia. The turning point came in 1238. Early in that year Ibn Hūd fell to the assassin's knife; in September Zayyān finally surrendered Valencia to the Christians, retreating to Murcia and soon fleeing to Tunis. The old *qā'id* of Játiva had died in May 1237; his inexperienced son Abū Bakr, along with Alcira, backed a brief adventure by Zayyān at Murcia, hoping for a rally of Islam under the aegis of Tunis. Zayyān lasted less than two months, however, as "emir of the East" in 1239. Meanwhile, a new hero, Ibn al-Aḥmar, was building the beginnings of the fabled kingdom of Granada, entering its capital in 1238 and taking as validators in 1238-1239 the harried remnants of the Almohads in Morocco. In 1239 too Castile was moving purposefully into Mediterranean Murcia; by 1243 Murcia would submit to Castile as a Mudejar kingdom by the treaty of Alcaraz and in May would welcome Prince Alfonso into the capital.

Játiva as Target

This tangled history, resulting in an isolated and effectively sovereign Játiva before 1240, must also be viewed from the side of its future nemesis, James the Conqueror. Islam's disarray was James's opportunity. His dynasty had long claimed the right to conquer south from Aragon and Catalonia down the coast but only as far as Murcia; Castile reserved Murcia for itself. These pretensions or dreams had been consecrated in the treaties of Tudellén in 1151 and of Cazola in 1179, to forestall any rivalry between the two powers whenever the

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[30] *Llibre dels feyts*, c. 350: "son pare li havia manat que a negun christià del mon, no a sarraý, non lliuràs aquel castell si a nós no, si ell lo havia a perdre"; "que el per nós lo tenia." Cf. c. 327: "que aquel loch no lliuras a nuyl hom, pus s·en desisques, si a nos no, per negun temps."

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time might arrive for such conquest.[31] James seems never to have lost sight of these legalities and theoretical ambitions, though his practical plans and hopes were dictated or restrained by the realities of his situation at each stage.

As boy-king he had launched an abortive crusade against Peñíscola in northern Valencia in 1225, wresting an illusory "vassalage" and an annual tribute from the beleaguered new Almohad *wālī* of Valencia, Abū Zayd.[32] The king's crusade roused concern in Castile, which even that early had its eye on the Valencian area. Fernando III of Castile also welcomed a visit and "vassalage" in 1225 by Abū Zayd—not a negligible or passing event, since Fernando adverted to it thereafter "very frequently." Three years later a desperate Abū Zayd sought allies against the triumphant rebel Zayyān, opening negotiations with Castile fruitlessly, and by secret agents to Rome persuading the pope to send the envoy Cardinal Jean Halgrin to assist in his converting from Islam and presumably in his getting Christian military help.[33]

In 1229 Abū Zayd entered a treaty of alliance with James, by which the king was to keep in vassalage all he could conquer from

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[31] See the treaty of Cazola in Julio González, *El reino de Castilla en la época de Alfonso VIII*, 3 vols. (Madrid: 1960) II, 528-530, doc. 319. Castile not only assigns to Alfonso of Aragon and his successors "Valentiam et totum regnum Valentie" but also "Exativam cum omnibus suis pertinentibus" and Biar and Denia. In the April 1229 treaty with James below in note 34, Abū Zayd refers to the places belonging "ad regnum Valencie et ad conquistam vestram."

[32] *Llibre dels feyts*, c. 25: "tregua ab Seyt Abu Seit, qui era llavors re de València, e que ens donàs la quinta de València e de Múrcia de les rendes que ell havia, llevades les peites." At the negotiations for the surrender of Valencia city to the Christians, King James brought up this claim and wanted payment from Zayyān: "en nostra ninea solíem haver e pendre les quintes de València e de Murcia" (c. 275). Zayyān retorted that Abū Zayd had been ruler then, so the obligation had ceased. Huici-Cabanes, *Documentos*, I, 139-144, doc. 67 (28 April 1225): at his Tortosa parliament, James announces that "crucem sumpserimus ad expugnandum barbaras naciones" and convokes his host "ad crucis negocium promovendum." Miret, *Itinerari*, p. 56, has the documents connected with the Peñíscola siege (cf. p. 546 note). On p. 51 a maverick document from the siege is dated September 1244, apparently a scribal error.

[33] Julio González, *Reinado y diplomas de Fernando III*, 3 vols. (Córdoba: 1980-1986), I, 295 (27 March 1225), and II, 244-245, doc. 203, where Abū Zayd arrived "cum aliis prepotentibus terre sue mauris" (including the Játiva *qā'id*?). On the 1228 negotiations see p. 253 and the *Crónica latina de los reyes de Castilla*, ed. M. D. Cabanes Pecourt (Valencia: 1964), pp. 92, 97, 98 by a witness who heard it from the legate Halgrin. González suggests the message was sent in late 1227 or 1228. See also Burns, *Islam*, p. 35.

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Zayyān plus a fourth of Valencia's general revenues.[34] As Abū Zayd's position deteriorated vis-à-vis Zayyān, James imposed a second agreement in January 1232, reducing Abū Zayd to little more than a puppet of the Christians.[35] Was it at this time that James sent a close friend, the Aragonese knight Pero López de Pomar, "on our embassy to the *qā'id* of Játiva"?[36] The king had now embarked on his crusade against Valencia, ranging over its northern regions from 1232 to 1235, inexorably conquering center after center. In 1236 he convened a parliament at Monzón to formalize the crusade again, to rally all his resources, and to begin his drive to take Valencia's capital. As part of that rally, Abū Zayd made yet another pathetic treaty-alliance that year with James.[37] In 1237 Zayyān gathered a host "from Játiva to Onda" and from as far south as Murcia, in a futile battle to dislodge James's advance garrison at Puig.[38]

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[34] Huici-Cabanes, *Documentos*, I, 223-226, doc. 119 (20 April 1229): "facimus vobis homagium iunctis manibus." This can be considered a second treaty in the series, since the Peñíscola crusade ended with an agreement by which Abū Zayd paid James annual tribute. The alliance series, however, forms a unique subset.

[35] Roque Chabás, "Sección de documentos," *El archivo*, IV (1890), 297, with a translation in Chabás, "Çeid Abu Çeid," *El archivo*, V (1891), 152. Also in Molina López, *Ceyt Abu Ceyt*, pp. 75-76, doc. 10.

[36] James I, *Llibre dels feyts*, c. 129: "e Pero Lopis de Pomar, qui havia estat per missatgeria nostra a l'alcayt d'Ixàtiva." The context is a meeting at Alcañiz in 1231, after the king's return from Majorca; and the enthusiasm and manner of identification suggest a recent trip. This random mention of an envoy suggests that the diplomacy with Játiva involved more than one or than a few such trips. Pomar castle was northeast of Sariñena in Aragon, given to Pero in 1232; in 1263 he was to receive an oven for his many services to James's queen. Rubiera and Epalza date the embassy 1231 and see it as the occasion of Játiva's panicky pleas to Ibn Hūd of Murcia for military aid, as seen above. Molina López prefers 1236 for the episode of James's army approaching Játiva and its letter to Murcia (see above, note 28).

[37] Huici-Cabanes, *Documentos*, I, 380-383, doc. 236 (28 May 1236), including reference to plural treaties between Castile and Aragon guaranteeing Aragon's *conquista* area; Abū Zayd promises to defend King James's claims "si quis venisset contra conquistam vestram." This confirms the treaty of 1229 but adds a more elaborate homage and vassalage by the Muslim and his descendants to James and his descendants and reserving "fifths" to Abū Zayd from the king's conquests.

[38] *Llibre dels feyts*, c. 217: "Çaèn, ab tot lo poder de Xàtiva tro en Onda," some 600 horse and 11,000 foot; c. 218 especially notes the infantry "from the frontier of Jérica and of Segorbe and of Liria, and of Onda." The contemporary Desclot has "tots los sarraïns del regne de Múrcia e del regne de València, a cavall e a peu," covering the plains and hills here (*Llibre del rei En Pere*, c. 49). The king's account may exclude Játiva, as merely bounding the recruiting area, and Desclot's is equally ambiguous. On the other hand, the Puig garrison after the battle reported the rumor that Zayyān was returning again "with all his forces" and "quants sarraïns ha de Caztalla e de Cocentaynaençà," both places to the south of Játiva; but the geography here is not decisive and the assertion is anyway a rumor (caps. 222-225, cf. 233). Ibn Khaldūn also says that Zayyān in this last pitched battle drew from the populations of the

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When Valencia city then fell in 1238, its surrender did not include Játiva, which remained under the successors of Ibn Hūd as a semi-independent entity. The removal of Zayyān as a major player coincided with the assassination of Ibn Hūd in January 1238 and the collapse of his coalition. These removals made Játiva an ever more tempting target for both Castile and Arago-Catalonia, as the last of the major Islamic city-regions of Valencia. James's 1238 treaty with Zayyān when Valencia city fell, by which the king pledged not to advance south beyond the line of the Júcar River, in the confusion simply became a dead letter. At first James moved south only tentatively, his conquest of coastal Bairén in 1239 foreshadowing the later conquest of nearby Denia. If the chaotic political situation made the conquest of Játiva now possible, the intrusion of Castile would soon make it necessary. Looking up from the south, the Castilians logically saw Játiva as a surviving relic of the dead Ibn Hūd's Murcia-based realm. As they solidified their conquest of Murcia from 1239 to the Alcaraz treaty of 1243 and beyond, their intentions became ever clearer about Játiva itself.

James had a strong claim on Játiva; but when did he take the decision as a practical matter to forestall the Castilians and incorporate it into his realms? At the fall of Valencia city in 1238 he saw that "all that kingdom will be conquered, down to Játiva" but excluding the latter as outside Zayyān's surrender.[39] Al-Maqqarī reports that the king had kept spoiler forces near both Játiva and Alcira this early in the crusade.[40] In James's second alliance-treaty with Abū Zayd he had referred to his claim on the conquest areas agreed upon with Castile; but in his espousal document of 1235 he promised to assign to any future son ambiguously only "whatever we have acquired or shall acquire from the Saracens in the kingdom of Valencia."[41] The king's autobiography makes it clear that his appetite grew during a visit to Játiva after the fall of Valencia city. This may have been a

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districts of Alcira and Játiva, in his *Histoire des Berbères et des dynasties musulmanes de l'Afrique septentrionale*, ed. Paul Casanova and Henri Pérès, transl. William MacGuckin, baron de Slane, 4 vols. (Paris: 1925-1956), II, 306.

[39] *Llibre dels feyts*, c. 206: "tot aquel regne serà pres, tro a Xàtiva." Cf. c. 292: "pus València havíem goanyada, havíem goanyat tot l'altre regne."

[40] *The History of the Mohammedan Dynasties in Spain*, transl. Pascual de Gayangos (London: 1964), I, ch. 4. Burns, *Islam under the Crusaders*, p. 338 and note. Al-Maqarrī has the force at Játiva as one of James's seven armies in the field; probably two of these attended to the Valencia siege, with Alcira and Játiva as blocking forces, the other three belonging to Castile in the south but carelessly placed.

[41] Huici-Cabanes, *Documentos*, I, 370, doc. 224 (11 December 1235): "et quidquid iam acquisivimus diebus nostris et acquisituri sumus a sarracenis in regno Valencie et alias undecunque."

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propaganda motif, added in his memoirs to demonstrate his early intention to forestall Castile by making good on his claim to Játiva. That he really had decided to make his move, however, appears from a clause in his testament of 1241 (misdated by many scholars as 1242), leaving to his son Peter all of Valencia "from Biar to the Ulldecona River," thus englobing Játiva.[42] By that time, of course, James had made his preliminary attempts on the city. The episode of the letters from Játiva to Ibn Hūd, begging help against the troops of King James, whether it happened in 1231 or 1236, shows an early aggressive claim at least to tribute. It may not be unrelated to the king's claim to tribute from Abū Zayd from all Valencia and Murcia as a result of the 1224-1225 crusade.[43] By 1244 the king will refer to Islamic Játiva as a self-contained "seigneury," with a countryside of dependent towns constituting its "jurisdiction."[44]

At this point the two stories converge—the last days of Islamic Játiva and the cresting triumph of the Christian crusade. How did King James embroil Játiva in his adventure, and when did he actually conquer it?

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[42] Ibid., II, 116-121, doc. 340 (1 January 1242 but in original parchment *anno incarnacionis* 1241): "et relinquimus dicto Petro filio nostro totum regnum Valencie a Biar usque ad rivum de Huldecona et a rivo de Alventosa usque in mare et sicut dividit terminus Rachene cum Castella usque in mare." Cf. Burns, *Islam under the Crusaders*, p. 339 note. Soldevila explicates the history of this misdating in his *Pere el Gran*, part 1, vol. I, 8 note; cf. p. 17 and Miret i Sans, *Itinerari*, p. 576. Ambrosio Huici, Charles de Tourtoulon and others used a copy of the will whose scribe erroneously altered the calendar here from Incarnational to Nativity, instead of the original parchment's expressed Incarnational (see the Arxiu de la Corona d'Aragó, Cancelleria, Jaume I, pergamí 867). Enric Guinot, in his valuable analysis of the many stages by which the Christian "Kingdom of Valencia" progressively took shape, notes that the earlier, Latin form of the new kingdom's *Furs* or *Costum* already in 1240 formally defines the kingdom as extending from the Ulldecona River (near Tortosa) to the Biar district inclusive. And in November 1241 the king bounded the new diocese of Valencia similarly as "to Biar or beyond," from the Ulldecona. In such descriptions of his new kingdom, James was vindicating the claims settled by the 1179 treaty of Cazola with Castile and warning off interlopers. See Enric Guinot Rodríguez, *Els límits del regne: el procés de formació territorial del país valencià medieval 1238-1500* (Valencia: 1995), pp. 27-38, 41, with maps.

[43] See above, note 32.

[44] James I, *Llibre dels feyts*, c. 333: "que tenia l'alcayt de Xàtiva en sa senyoria" (the Soldevila edition follows the Ayamans manuscript with *sa*, while the Bruguera edition uses *la* from the Poblet manuscript); and c. 341: "de la pertinència de Xàtiva."

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CHAPTER FIVE

THE TIGHTENING NOOSE: A SEQUENCE OF SIEGES

Today, even with a consensus for either 1244 or 1248 as marking the conquest or fall of Játiva, historians still focus on one date, seeing the others as background, as abortive, or as coda. The conquest of Játiva was rather a process, however, each stage important in itself and setting the stage for the next. The series must be appreciated in its sequence, individual character, and interrelation.

The Siege of 1239

After the threatened siege of 1236 or 1231, which occasioned the letter from the Játiva secretariat to Ibn Hūd for help,[1] James's next move against the region had come in early 1239. The king had been overly busy until that time, attending to the finances, logistics and personnel for his advance on Valencia city; the siege of that capital ran from April to September 1238, with the triumphal entry on October 9. Organizing the city then held the king's attention, as well as care for the main realms neglected during the recent campaigns. Castilian claims on the Valencian regions also occasioned conflict with Castile during and after the siege of Valencia city, resulting in that kingdom tabling a suit at Rome in April 1239 to control the new Valencian church. The city and its hinterland were being divided enthusiastically among the victors, however, and armies were still in the field. The crusaders had taken Bairén, key to the Denia region in the south, in 1239. They would also have been aware of the maneuvers by Valencia's fugitive ruler Zayyān to set up as post-Hūd ruler of Murcia for the Ḥafṣid caliphs of Tunis, with Alcira and Játiva drifting toward his camp.[2]

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[1] See above, p. 73.

[2] Rubiera/Epalza, *Xàtiva musulmana*, p. 102. As his position in Murcia became more untenable, Zayyān offered "vassalage" to Castile. Pedro López Elum aligns the chronology after the fall of Valencia city, in his *La conquista y repoblación valenciana.* Despite a seven-year truce with Zayyān, King James conquered Cullera below the Júcar River by August 1239, secured a promise from Bairén in the south to surrender by August, and raided Villena and Sax far south of Játiva (perhaps as a warning when Zayyān contacted Castile). As the seven-year truce became a victim of the general political disintegration, Zayyān agreed to become ruler of post-Hūd Murcia from April 1239 to early 1241 (pp. 64-71).

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King James now found some pretext by which to rein in and intimidate Játiva, and to warn off Castile. No details of the episode survive beyond two charters locating him in "the siegeworks" of Játiva on 21 May 1239. Since he was busy at Valencia city on April 13 and at Montpellier by June 1 and 2, this siege could have lasted by the most generous estimate only some weeks. The date line on the main charter is unequivocal: "Given in the siegeworks [*bastita*] of Játiva, the twelfth kalends of June in the year of the lord 1239," with the "nine" spelled out so as to exclude a numerical confusion.[3] Given the mid-year date, there can be no question of a calendar confusion between Incarnational and Nativity reckonings. The charter concerns a significant matter, moreover, the establishment of the function and buildings of Valencia city's municipal courts for both civil and criminal proceedings—a record that would have been carefully drafted, and a business that would hardly have been postponed for example to May 1240. If there was such a siege, and excellent archival experts on James's reign such as Joaquim Miret i Sans and Roque Chabás have felt obliged to accept it, why was it so soon aborted and why did the king leave no further record?

His personal account at this point concentrates on his trip to Catalan Montpellier "to require that they help us with the expenses we had incurred in conquering Valencia."[4] That trip holds the clue to the king's hasty abandonment of the siege. His transpyrenean holdings, and indeed all Occitania or southern France, were in turmoil in the wake of the Albigensian crusade and the ever-increasing grip of the northern Franks or Francia on these southern regions. The turmoil had reached a crisis stage, as the troubadours loudly noted, and the period 1239-1242 would prove to be decisive for an Occitania battling to stave off the Capetian kings. The Occitan petty lords, as well as the great princes respectively of Languedoc (Raimon VII of Toulouse) and Provence (King James's cousin Raimon

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[3] Miret i Sans, *Itinerari*, pp. 139, 550. Huici/Cabanes, *Documentos*, II, 61, doc. 297 (21 May 1239): "Datum in bastita Xative, XII kalendas iunii, anno domini MCCXXX nono." The *Llibre del repartiment de Valencia*, ed. Antoni Ferrando i Francés et al. (plus three-volume facsimile) (Paterna, València: 1978), no. 2164, under "Xativa anno MCCXXX nono" awards to Pero Eximeno de Calanda "some houses from the best twenty of the town" and some land on May 21 "in bastita." In the Arxiu de la Corona d'Aragó original, this is reg. 2, fol. 24 v.

[4] James I, *Llibre dels feyts*, c. 295: "que anàssem a Montpestller per damanar-los que ens ajudassen per les messions que nós haviém feites en conquerir València." James may have blended two episodes of captured personnel into his account of one 1240 siege, thus minimizing his failure to free prisoners (Burns, *Islam*, p. 340). If so, there might still have been only one capture, twice drawing the king down as pretext for conquest.

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Berenguier V of Provence), were ready to abate their suicidal wrangling and league against the common enemy. Henry III of England, as lord of Aquitaine, was a possible but weak leader; he would in fact later assume that role in 1241. More immediately the natural leader was the great conqueror of the Balearics and Valencia; and a communal rebellion in his lordship of Montpellier made it imperative that he confront the Occitan threat and opportunity immediately.

James spent five months at Montpellier from June to October 1239. Both Raimon of Toulouse for Languedoc and Raimon Berenguier for Provence "came to me" there, he says, "and I held a grand assembly with the notable men of those lands who came to see me." Prudently James reveals nothing else about his intervention. He would support in the coming year the league of Viscount Raimon Trencavel of Beziers, who sallied forth from Barcelona but was soon snuffed out by Capetian forces. King James stayed aloof from the grand coalition in its wake in 1240, however, led by the English king and disastrously defeated by France at the battle of Taillebourg in 1242.[5] The loss of Occitania was sealed in the uproar that paralleled James's Valencian crusades. Twice he would have a chance to rally the Occitan region, and each time he would have to abandon his Valencian campaigns, in 1239 and in 1245, leaving behind him in Játiva each time an unstable truce with a Muslim *qā'id*.

The king's memoirs include only a bare sentence on negotiations with Toulouse, Provence, and the Occitan princelings; he could not omit that tribute to his esteem in wider Christendom, but he could also not afford to call attention to his ultimate failure in stemming the Capetian tide. James also leaves out of his highly personal account the brief and aborted siege of 1239 at Játiva, as he had done in 1225 with his larger failure at his siege of Peñíscola. When he returned to siege Játiva in 1240, the Muslims there would remind him that he had given them a "truce" previously; and James would indeed let that notice slip into his memoirs.[6]

The outline and elements of the 1239 siege seem clear enough. Two charters show the king sieging Játiva in May 1239; other char-

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[5] *Llibre dels feyts*, c. 305: "venc-nos aquí lo comte de Tolosa e el comte de Proença, e haguem grans corts d'hòmens honrats d'aquelles terres que ens venien veer." The *corts* can mean plural assemblies. Among the notables was the viscount of Beziers who signed a charter of the king on October 6. Another charter, on July 5, gave houses and land to the influential bishop of Agde. On the Trencavel and English coalitions see Miret i Sans, *Itinerari*, pp. 142-157. In 1239 too, James signed an agreement to send 2,000 troops to help Pope Gregory IX against Emperor Frederick II (González, *Fernando III*, I, 269). In the event, they did not go. Cf. Zurita, *Anales*, lib. III, c. 33.

[6] See below, note 9: "havien trencada la treuga que nós li havíem deda."

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ters have him busy at Valencia city a month previously, and then remove him far away to southern France eighteen days after our glimpse of the Játiva siege. Reasons for breaking off the siege are obvious from the southern French situation alone. The king had made a "truce" with Játiva before leaving. James gives no details of this inglorious episode in his memoirs, but that fits his usual pattern with aborted or embarrassing episodes. Since the 1239 siege is absent from those memoirs, there is no record of the occasion or pretext for the king's attack; but such occasions were not difficult to discern or manufacture. The desire to know more about the episode has lured some historians into conjecture and into shifting elements from the 1240 siege to that of 1239, and even to conflate the two into one very long siege.

Pedro López Elum has carefully reconstructed a chronology of the Valencian war and resettlement, together with a toponomy of its progress. He sees the narrative of King James as carelessly putting into 1240 the single long siege from May 1239 to June 1240. The cause of the 1240 war (some knights were captured or kidnaped by the Muslims, as will appear below) must therefore be removed from the king's version and attached to the 1239 beginnings, though that apparent cause might rather be taken as an episode occurring during the very long siege and occasioning renewed fighting. Though not letting hold of his theory of one long siege, López Elum hedges by allowing "a possible truce [*tregua*]" somewhere in the middle, and admitting "a reasonable conjecture that there was a suspension of hostilities, with some kind of conditions." Nevertheless he thinks the two must be regarded as a single war and siege. Numerically then they would constitute the "first" siege, as 1244 would constitute the second. There were only these two. This reconstruction is ingenious and knowledgeable; but such historiographical acrobatics and scene shifting seem unnecessary. The 1239 siege stands by itself as a plausible unit, and so does the 1240 siege.[7]

The Siege of 1240. Occitan Distractions

Precisely a year after the first siege, King James found another opportunity to confront Játiva. He had returned to his kingdom of Valencia to find it in turmoil, with his ex-crusaders operating opportunistic or personal raids against Muslim targets. His interim governor of Valen-

[7] López Elum, "Conquista y repoblación," pp. 71-73.

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cia, the Aragonese baron Rodrigo de Lizana, met the king at Murviedro and explained the circumstances of one such raid. The governor's cousin Pero de Alcalá had taken his "company" on a foray "towards Játiva" which was threatening "to the Moors of Játiva."[8] The Jativans had counterattacked, capturing Pero and five of his knights. The governor now assured the king that, if James merely led a demonstration against Játiva, the Muslims would surrender the six knights forthwith.

James confessed that "I came for that purpose," since he had heard the story already in Aragon. The king had only twenty-five knights with him, so he called for a rendezvous of his larger "host" at the Barragà ford. The *qā'id* of Játiva "knew we were coming against him" and sent the notable Ibn Fīrruh (Abenferri) as envoy to intercept the royal party and protest Játiva's peaceful intentions. The *qā'id* "wondered much" at James's actions, because his own "heart and will" had been to do everything possible for the king "within reason," but the king's men "had broken the truce that we had given him," provoking the Muslims to self-defense. The king responded that he would make good any offense by his men, but that for the present he demanded surrender of the knights immediately or he would attack.[9]

While awaiting a reply, James scouted forward with thirty knights, his determination to have Játiva increasing as he surveyed the environs of the castle. "Not only for Don Pero de Alcalá ought I to go against Játiva with my host, but to have the castle for Christendom."[10] James kept this plan secret however, from both his governor and the army. Thus the king had not been honest with Ibn Fīrruh; is he being honest here with his readers? Did the kidnaping episode and the encounter with the castle environs trigger or activate his long-range claims and hopes to gain Játiva? Or had this next stage of his crusade merely awaited the earliest opportunity to put it into effect?

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[8] *Llibre dels feyts*, c. 317: "que son cosí ab sa companya que es n'era anat vers Xàtiva e que l'havien pres ell ab cinc cavallers"; c. 316 version: "una cavalcada que havia feita son cosí de don Rodrigo Liçana per nom P. d'Alcalà, qui dona salt als moros de Xàtiva." Miret, *Itinerari*, p. 168, by a confusion has Alcalá captured in 1244.

[9] James I, *Llibre dels feyts*, c. 318: "e l'alcaid de Xàtiva sabé que nós veniém sobre ell . . . e meravellà's perquè nós feíem açò, que ell havia son cor e sa voluntat de fernos tot ço que ell pogués fer per nós a raó, mas que ells li haviem trencada la treuga que nós li havíem dada, e sobre açò que se n'hac a defendre." Ibn Fīrruh al-Shāṭibī (died 1194) was Játiva's most notable scholar; our "Abenferri" seems linked to that family.

[10] Ibid.: "no tan solament per don P. Alcalà devíem-nos venir sobre Xàtiva ab nostra host, mas per haver lo castell per crestianisme."

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His prudence in concealing this plan echoed previous stratagems with his barons, notoriously disinclined to large adventures that would profit mostly the crown.

The Muslim envoy returned the next day, reporting that the *qā'id* could return the prisoners only if the king would pay the ransom owed "to the Moors who had bought them" and now held them at an exorbitant price. King James says this small obstacle "pleased me much," since he wanted "more to have Játiva than [to have] the knights."[11] He promptly laid his plan of attack and issued orders, especially hunting for the best hill on which to emplace his artillery. When Ibn Fīrruh returned the following morning amidst all this activity, offering now to hand over the prisoners unconditionally, James dismissed him because "he had delayed so long."

At this point the king's memoirs again tell us how he concealed his true plans from the army, and that "it was more useful that [the knights] remain in captivity a while, and that We should have Játiva, since God had so positioned Us." The army threw up siegeworks (*bastida*), invested the town, and began systematically to break down the watercourses and irrigation canals and to destroy the mills, thus cutting off much water from the townspeople and surrounding farmlands. Raids went out against the network of fortifications in the countryside. Abū Bakr now sent as envoy "a Moor named al-Shajasī [Setxi], who was very powerful in the town and was of the council of the *qā'id*," again offering to hand over the knights. It was too late, the king repeated, since (again) "I wanted Játiva more than [I wanted] the knights." This open revelation struck "great fear" into the envoy.[12]

As rapidly as the king's mini-crusade had begun, it ignominiously collapsed. He had already noted that he had only "a small contingent" as his army at his headquarters-village of Sellent just northwest of Játiva. A charter granting houses in Denia locates the king "in Sellent [in] the siegeworks of Játiva" on 7 May 1240. Now he had fallen into a violent quarrel with an important Aragonese baron

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[11] Ibid., c. 319: "ells que havien comprats los tenien e no els volien rendre, e tenien-los tan cars que ell no els havia ab què traure"; "plac nos molt"; "més haver Xàtiva que els cavallès." A charter of 17 June 1240 was given at the siege—"in bastita Xative" (Huici/Cabanes, *Documentos*, I, 74, doc. 310).

[12] *Llibre dels feyts*, caps. 321-322: "que pus valia que romanguessen en presó un temps, e que nós haguéssem Xàtiva, pus Déus nos ho havia aparellat"; c. 322: "Setxi qui era molt poderós en la vila, e era de consell de l'alcaid"; "que més volíem Xàtiva que els cavallers"; "gran paor."

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García Romeu who had brought a hundred men to join that army.[13] In a fury over the king's "shameful" treatment of his prerogatives, Romeu secretly proposed to lead his men to the Jativan defenders and fight against James. Romeu's defection would have aborted the siege; but the king's anger would then in the long run have brought some future army against Játiva. The *qā'id* cunningly took advantage of the situation to wring a compromise peace from King James. The Muslim envoys revealed the plot and offered to place one of the king's men "behind a curtain" during negotiations between Romeu and the *qā'id*, to confirm the treason. Faced with the military loss and Abū Bakr's gesture of friendship, the king finally asked to hear terms for a treaty, vowing however "that I'll never leave here unless he gives me one of the castles of Játiva, or Castellón de Játiva."[14]

King James made the most of this negotiated compromise, receiving as a consolation prize the rather distant Castellón de Játiva between Játiva and Alcira, for which he considered the *qā'id* to have become his "vassal." The king took care to perform the kind of elaborate ritual involved in more serious surrenders, with as many legalities as might proclaim his control over this stubbornly independent region. The locale for the ceremony was the king's walled *reial*, perhaps some Muslim notable's *raḥl* or country place or else stock corral (*raal*) commandeered for the siege, though the Romance forms of this word are ambiguous.[15] The Christians had drafted a double-copy chirograph, "divided by A B C" at the center and then torn across, as James later described it. Like the one surviving Játiva treaty of 1244, it doubtless held alternate lines of Latin and Arabic in each copy, all

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[13] Ibid., c. 321: "havíem poca companya, e allí havia-hi mester gran companya." James also has the Muslim envoys, in revealing the treason of García Romeu, make that baron's hundred men "dels mellors de sa companya" (c. 325). The charter of May 7 giving Denia houses to En Lladró is in the *Llibre del repartiment*, no. 2166 (reg. 2, fol. 25 v): "Datum in Salent, bastita Xative, nonas Madii" under the rubric "Denia, anno MCCXL." López Elum has mapped and analyzed the topography of the 1239 and 1240 campaigns (*Conquista y repoblación valenciana*, pp. 78-91).

[14] James I, *Llibre dels feyts*, c. 326: "que jamés no partirem d'aqui, o que ens darà la un dels castells de Xàtiva o Castelló." Note that James did not ask for "Játiva or Castellón," but for one of Játiva's two castles or *else* Castellón; the choice and outcome underline the king's weak situation. The vassalage element is stressed in c. 337 and below in James's next move against Játiva.

[15] Ibid., c. 327: says only "e havíem feits aparellar setis en lo reial que nós donam al bisbe de València per nom N'Andreu." The setting out of "seats" suggests a liesurely process of negotiation. On the meaning of *reial* see the classic study by M.J. Rubiera Mata, "Rafals y raals; ravals y arrabales; reals y reales," *Sharq al-Andalus: estudios árabes*, I (1984), 117-122. On the siege camp as corral, see below, p. 93.

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prepared during the three-day interval between an armistice and delivery of Castellón de Játiva to the king.[16]

James required "that the *qā'id* issue forth [from the town] to Us with the hundred more notable men of the town, and that he accept Us as lord" in a formal ceremony of submission. Innocuous enough for the Muslims, and enacted in other surrender contexts during James's crusade, this simple action became for the king a true feudal vassalage, and later he would make use of it to try to force Játiva's submission. The king also extracted again, doubtless for Castilian ears and as a useful legalism, Abū Bakr's promise "that he would deliver that place to no man at any time, if he were to give it up, except to Us." James himself received "within the town" a suitable residence—"Our houses" as a palace or *reial.* (Such "palaces" throughout his realms were a mixed lot, from a few rooms to a castle.) As part of the agreement, the original captured knights were returned.[17]

James obviously realized that he had made only a military promenade, a ritual exchange of courtesies, and an embarrassing retreat from his siegeworks. He did gain a negligible local fort, not near Játiva itself. The Muslims still kept the town as indomitably as ever; they had played word games, committing themselves in no sense offensive to an Islamic sensibility. James did not pretend to a conquest here, beyond the "vassalage" talk and vague "agreements" (*covinences*) in the treaty charter whose other terms he conceals from the reader. He concludes his narrative of this siege with the words carefully chosen: "and there was the beginning of the pact" or understanding (*pleit*) "between Us and them."[18]

That this became "the beginning" of Játiva's incorporation appears too in a later aside in 1249 locating a grant: "next to the *reial* in which We made the first treaty [*compositio*] with the *qā'id* and Saracens of Játiva about the castle and town of Játiva." Ever careful

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[16] Ibid., c. 334: "la convinença que havets ab nós, que les cartes partides són per a. b. c. que nós ne tenim les unes e vós ne tenits les altres."

[17] Ibid., c. 327: "que l'alcaid isqués ab nós defora ab los mellors cent hòmens de la vila, e que ens reebés per senyor, e que aquell lloc no lliuràs a null hom, pus se'n desisqués, si a nós no, per negun temps." The royal residence is in c. 334: "dintre en la vila en les nostres cases del reial." James refers to these "les nostres cases" as the commodious meeting place for his reconciliation with his son Prince Peter toward the end of the king's life (c. 520). In 1238, before the Christians moved from their base at nearby Puig to invest Valencia city, its ruler Zayyān in panic offered to surrender the territory the crusaders already held (all north of the Guadalaviar or Turia River, to Tortosa), a tribute of 10,000 besants yearly, and a residence or palace in town—"I alcàcer a la Çeydia a dar-vos ha" (c. 242).

[18] Ibid., c. 327: "E aqui fo lo començament del pleit que puis fo entre nós e ells."

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in laying his legalistic paper-trail, the king here broadens the significance of his agreement so as to cover the castle and town actually denied him. The grant of the *reial* itself to Bishop Andreu Albalat of Valencia repeats the phrase "in which we made the first treaty" and so forth, but adds that it was in the Játiva countryside and "surrounded on all sides by walls."[19] Like the 1239 siege, this too had taken only a matter of weeks. The king had been signing charters at Valencia city on 16 May 1240, was "in the siegeworks" at Játiva on 17 June, and had returned to Valencia city by 15 July.[20] Thus the longest possible time in which to fit the siege amounted to some three weeks before the anchor date of 17 June, plus a month afterward, with the strong possibility that the whole affair took only a week or two before Romeu's treason aborted it.

The Great Siege of 1244

The Christian armies had plenty to occupy them in reducing the many small places in southern Valencia down to Biar. The king himself was occupied in his northern realms throughout 1241, returning in April 1242 to finish his conquest of "all the rest of the kingdom" which Zayyān had surrendered "down to the Júcar River." Alcira fell to the king now at the end of 1242 without a fight. By his own account he was not concerned with Játiva or other sub-Júcar territory, however, doubtless confiding in his 1240 agreements with Abū Bakr. What galvanized him into a major siege of Játiva in late 1243 or the start of 1244 was the very real threat that Castile would replace James and his precarious arrangement in Játiva.[21]

Ever since Ibn Hūd's death in 1238 had fragmented what was left of Islamic Spain, Castile had been aggressively collecting castles, wor-

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[19] Huici/Cabanes, *Documentos*, II, 298, doc. 487 (30 March 1249): "sicut undique circundatur parietibus." The grant aside is in the *Llibre del repartiment* (see below, chapter 6, note 11) for April 1249.

[20] Miret, *Itinerari*, pp. 143 and 240. On the siegeworks (*bastida*) see below, note 32 and text.

[21] James I, *Llibre dels feyts*, c. 328: "tot l'altre regne, com havíem tro en Xúquer." On the traditional date of 1242 for Alcira's fall, and its controversy, see Burns, *Islam*, p. 363 note. The anticipatory Nativity calendar frequently used in James's realms would turn late December 1242 into the beginning of the year 1243, but the year in terms of the modern calendar would remain 1242. In 1239 and 1240 James had allowed raids by contingents of his army into Murcian lands, especially to seize Villena and Sax, southwest of the Játiva territories (González, *Fernando III*, I, 340-341).

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rying the borders of Huddite Murcia, and manipulating as ally-tributary the newly formed Muslim kingdom of Granada under the adventurer Ibn al-Aḥmar. As early as November of 1239, Pope Gregory IX conceded the Holy Land indulgences to the Castilian crusade against coastal Murcia.[22] In 1240 during his brief tenure over Murcia, the ex-ruler of Valencia Zayyān had offered submission as vassal to Castile. By the end of 1242, caught between Christian raids, Granadan pressure, and internal revolts, the Huddite ruler of Murcia invited Castile to accept his tributary surrender. Murcian envoys began negotiations at Toledo in February 1243. The treaty of Alcaraz was signed by both parties in March.[23] The Castilian heir Prince Alfonso occupied Murcia city on 1 May 1243, leading directly into his 1244 campaign to reduce the several Murcian holdouts or rebels. Alfonso's plans to acquire all the borderlands of Murcia pointed him directly at Játiva, which had intermittently over the years proclaimed loyalty to Murcia. Játiva had already suffered two sieges by King James, had surrendered Castellón de Játiva to him, and had attentively heard his clumsy hints about fuller surrender. Now neighboring Murcia had received excellent terms from Castile on a voluntary basis, with its own ruler and society and institutions firmly in place under a relatively distant Castilian overlord. Játiva therefore opened negotiations with the promising new player Prince Alfonso of Castile.

This activity occurred, James's memoirs tell us, "before We were at the [1244] siege of Játiva," and it did not fool him. To allay King James's suspicions about the parleys "between the *qā'id* and the present [Castilian] king Alfonso, who was [then] prince-[heir]," James recalls, a relative of Bishop Gonzalo Ibarra Ibáñez of Castilian Cuenca was sent to explain to James that Alfonso was having a tent made for him by the Jativans. James confides that "I knew that this tent was nothing but a maneuver" by which "to cover" talks between Alfonso and the *qā'id*; "I knew very well" that this was a stratagem "by which I might lose Játiva."[24] James had arrived at Valencia city by 22 September 1243, abandoning his northerly concerns. He touched at Castellón de Játiva (not at Játiva itself as Miret i Sans

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[22] González, *Fernando III*, I, 333-334, 339-340, 354. Molina López, *Cronología*, pp. 46-48.

[23] González, *Fernando III*, I, 343-344.

[24] *Llibre dels feyts*, c. 339: "ans que fóssem al seti de Xàtiva"; "parlava pleit entre l'alcaid e est rei don Alfonso qui ara és, qui era Infant; e nós sentim que aquella tenda no es feïa sino ab maestria per ço que parlassen ab l'alcaid de Xátiva lo pleit"; "per ço que nós perdéssem Xàtiva." The bishop was a militant prelate known as "the hammer of Saracens" (*malleus Sarracenorum*).

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thought) on 1 November 1243, perhaps to reconnoitre the defenses of the Játiva district. He passed through Corbera on November 15 and Valencia on November 27. James then seems to have spent much of December at the *corts* or parliament at Daroca in Aragon, especially on questions about the royal succession. Miret i Sans places him at Játiva, already besieging it, on 30 December 1243; but this may be an error. At any event the siege was clearly in full swing by 7 January 1244.[25] What had occasioned this plunge into war?

Making a tent, however suspicious an activity, was hardly a proper pretext to start a war. James needed a clearer and more serious *casus belli*. There was little time for originality however; he would have to replay his previous scenario of a raiding party, a Muslim ambush, and his offended sovereignty. Such situations did not have to be staged but rather selected from the many adventures involved in the mopping-up phase of his crusade. The circumstances nevertheless suggest a deliberate plot. James himself was again absent, leaving behind a governor for the kingdom. Again the baron Rodrigo de Lizana was at the center of the episode with his own men and with mercenaries (*almogàvers*), this time leading a raid himself and returning. It was important for the king that "this raid did not concern the lordship of the Moors that the *qā'id* had in his lordship," in other words an attack against the jurisdiction or quasi-sovereignty of the king's Muslim vassal; but it was against "other Moors who were at war with Us." Muslims from Játiva's jurisdiction, along with "Moors from Tous and Tárbena and Cárcel," in retaliation seized "five or six" mules and packhorses "and killed two warhorses." This petty action, duly reported to the king up in Aragon, "pleased me because he [the *qā'id*] had broken the agreement he had with me, and by that I had reason to go against Játiva." James hurried to his newly conquered island-city of Alcira, north of Játiva and former ally of the

[25] The 30 November 1243 date is in Soldevila, *Pere el Gran*, part 1, vol. 1, p. 22 note. Miret's *Itinerari* asserts the 30 December 1243 date in a correction on p. 577 (under "page 157") but with no accessible proof. Miret gives the other November 1243 dates, document by document. The Castellón date is on p. 551, note 1. After his 1240 siege of Játiva, the king tells us, he had gone to Aragon and Catalonia for "a year or more" ("un any o pus") (*Llibre dels feyts*, c. 328), which accords with his documentary date lines as being in the north from mid-November 1240 to late April 1242. After his return to Valencia in April 1242, he returned north again from January through late September 1243, less than a year, which he describes as "quan venc denant tro a un any e quatre meses" or 16 months (c. 333), a phrase which fits rather the previous northern stay of 1241-1242. Unless the king's antecedent point of reference is somewhere in 1242 the proximity of the two offhand estimates may explain this confusion.

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qā'id, installed himself in his palace there, and by formal letter peremptorily summoned the *qā'id* to attend in person. When Abū Bakr arrived, James would not receive him all day, but left him to "consider well" the impressive military force on hand.[26]

Ushered into the king's presence the next morning, the *qā'id* and his party had to submit to a lecture on treason because "your Moors and your force of horsemen that you keep on salary" had broken the treaty drawn up in separate copies in 1240. Besides that crime, "in two or three other cases you have done Us harm, and killed men who would not have died" otherwise. Since Játiva had broken the treaty, the Christians were "not bound" either. The brutal bottom line, the king told Abū Bakr, was that "since We have the greater part of the kingdom of Valencia, and Játiva is of that kingdom [presumably by the 1240 treaty of vassalage], We want to get it"; and therefore "We say to you that you surrender it to Us." James fancied himself punctilious in matters of honor and in keeping his word, a theme his memoirs recurrently take up. The Játiva affair, hurried and messy, did not accommodate that self-image; consequently he had to protest too much—for contemporaries, for Castile, for posterity, and for himself. He closed the interview magnanimously by reassuring the shaken *qā'id* ("he lost color" and fell into "great fear") that "you are just as safe as you would be in the castle of Játiva." James invited the *qā'id* to go back to Játiva, consult "with the sheikhs [*vells*]" and others, and then bring or send a decision. It was better to surrender gracefully, he said, than to be forced. The *qā'id* asked for a week in which to consider "so great a thing."[27]

On the appointed day the *qā'id* sent al-Mufawwiz ("Almofois"), "the most learned man of Játiva," to declaim a reply on behalf of "the *qā'id* and the other sheikhs," protesting that the king's raiders had

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[26] James I, *Llibre dels feyts*, c. 333: "los moros que tenia l'alcaid de Xàtiva en sa senyoria, ab los moros que eren de Tous e de Terrabona e de Càrcel"; "e aquella cavalcada no era de la senyoria dels moros que tenia l'alcaid en sa senyoria, mas d'altres moros que guerrejaven ab nós"; "plac-nos per aquesta raó, car ell nos havia trencada la covinença que havia ab nós, e sobre açò havíem raó de venir sobre Xàtiva." Tous and Carcer are just northwest of Játiva and perhaps under its influence then; Tárbena is very much to the south.

[27] Ibid., c. 334: "nos albergàvem dintre en la vila en nostres cases del reial"; "vostres moros e vostre poder de cavallers que vós tenits a soldada nos han feit mal"; "mas en dues o en tres altres coses nos han feit mal e morts hòmens qui no moriren si no fos per raó de vos"; "pus nós havem la major partida del regne de València, e Xàtiva es del regne, volem-la cobrar ... e deïem-vos que la ens rendats." C. 335: "perdé la color"; "de gran paor"; "aitant segur sots com si érets en lo castell de Xàtiva"; "tan gran cosa."

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stolen the property of the *qā'id* and that the defending Muslims had simply "recovered what these [raiders] had taken and did them no further harm." As for giving up so great a castle, the Jativans would be scorned by the people of both religions. King James fell back on legalities: "the *qā'id* is Our vassal" by reason of "the treaty [*pleit*] with Us," and had obliged himself "to defend Us and Ours." As a vassal he must submit to the king's justice and accept a judge, namely the king's uncle Prince Fernando de Aragón. The Muslim envoy returned three days later, refusing to submit to the binding decision of a feudal judge but desiring to hear the king's terms. King James, with the barons and citizens of Valencia of his court as witnesses, repeated his demand. "And from then on there was war." Besides the bad will of James, in his predetermined intent to have Játiva, the episode illustrates mutual incomprehension as to the relationship set up by the treaty of 1240.[28]

Less than a dozen charters trace, through their dates and places, the chronology of the siege. From 7 January 1244 up to May 10 King James was in the Játiva siegeworks, except for brief trips to Almirra, Barcelona, and Ondara. The minimum length of the siege, if drawn from documents alone, ran from January 7 to May 10; the maximum might be argued as running from late 1243 (improbably) to 5 June 1244. The treaty closing the siege, we now know, came on 5 June 1244.[29] Each document has some variant of "in the siegeworks" or "in the siege" or "in the army" at Játiva. A grant of houses and land at Benirredrà on January 12 was given "in the siege." A baronial property exchange signed by the king on February 8, and moved mistakenly under the rubric 1245 by Miret i Sans, was "in the siege of Játiva in the year of Our Lord 1244." Charters of February 11 and March 10 have similar endings. Further documentary dates on which to hinge a chronology will appear below: March 25, 29 and 30, and May 10.

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[28] Ibid., c. 336: "havia nom Almofois e era el pus savi de Xàtiva"; "no faeren sinó ab raó que els crestians prenien també d'açò de l'alcaid de Xàtiva ... e cobraren ço que els havien pres, e no els faeren altre mal." C. 337: "l'alcaid és nostre vassall, que quan féu lo pleit ab nós ... que ens defendria a nós e a les nostres coses." C. 338: "e d'aquí avant fo la guerra." On the incomprehension see below, chapter 10.

[29] Miret i Sans, *Itinerari*, pp. 165-170, with p. 577 as above in chapter 4, note 10, and the "1245" document on p. 171. The *Llibre del repartiment* has the grant at "Beninida" or Benirredrà to Pero Vigorós de Zaragoza as no. 2159 (reg. 2, fol. 24) "in obsidione Xative, II idus Ianuarii [1244]." There are two documents for the siege on January 7, one giving the Incarnational year 1243 (1244) and its copy flatly giving 1244.

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As the siege began, what sort of army did the king have in hand? Later in the siege, when James took part of his army with him to the troubled negotiations with Castile at Almirra, he left behind at the siege two hundred knights and most of the infantry. He tells us that he took with him to Almirra a third more knights than the future Alfonso X of Castile brought to the negotiations. James doubtless stripped his siegeworks as far as was prudent, to intimidate his Castilian rival. The full siege army, however, does not seem to have been very large. It did include some Templars and Hospitallers under their respective provincial masters. Guillem II Montcada, lord of Tortosa, brought sixty of that town's famous crossbowmen. García Romeu probably took along a hundred knights as he had in the previous Játiva siege. The *almogàvers* were redoubtable irregular infantry, fearless even in the face of mounted knights. And among the assembled captains two stand out—the admiral Carròs and the warrior Eximeno Pérez de Arenós. King James mentions a few others in the course of describing the siege, such as the *ric hom* of Aragon Bertrand or Beltrán de Ahones, the Aragonese knight Pero Lobera of his household troops, and the king's uncle Fernando de Aragón, third son of King Alfonso the Chaste and abbot of Montearagón. Twice he refers to "the other barons" as a group.[30]

At the siege of Valencia city, King James records, "the host was so large that, at the end, there were a good thousand knights and a good sixty thousand footmen." At the start of the Valencia siege the king tells us that his entourage or household troops numbered 130 to 140 "knights of noble family." With him as he waited at a rendezvous point before beginning the Valencian siege, so that his forces could gather from Catalonia and Aragon, were 150 *almogàver* irregulars and a thousand foot. The high barons brought contingents of their vassal knights; and municipal militias such as the Barcelonans provided both cavalry and infantry, Tortosa sending her crossbowmen. Each knight was also attended in field and battle by esquires and retainers. King James describes all this as "so great an army" as to frighten the defenders of Islamic Valencia city. The siege of Játiva may not have demanded or attracted so huge a convocation. A considerable army would nevertheless have gathered, given the crucial importance King

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[30] James I, *Llibre dels feyts*, c. 339: "nós enviam per los cavallers del regne de València e per los altres homens e per almugàvers, e ab los altres richs hòmens, e anam assetjar Xativa." "Other barons" are in caps. 336, 353. Montcada's crossbowmen, now going against Biar, are in c. 358. The 200 left behind are in c. 343, with the Almirra group. Lobera is in c. 340.

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James attributed to the conquest of Játiva, so often and extravagantly expressed, and given also the intimidating presence nearby of conquering Castilian armies coveting Játiva.[31]

In the Siegeworks. The Almirra/Almizra Treaty

After the preliminary interviews at Alcira with the *qā'id* of Játiva and his envoys, King James had "sent for the knights of the kingdom of Valencia and for the other men and for the mercenary irregulars [*almogàvers*]; and with the other high barons [*rics hòmens*] he went to siege Játiva." The royal forces took up position on the bank of the Montesa River, a branch of the Júcar, their flanks protected respectively by a moat and a ravine. King James tells us too that, once established, his forces raided and savaged the countryside, and "many skirmishes took place between Our people and theirs."

The date lines of the king's charters at the siege put him in "the *bastida* of Játiva." Though a common meaning of the term was a wooden siege-tower on wheels and filled with soldiers, its alternative meaning applies here, the complex of tamped-earth walls and entrenchments that served as a defensive-offensive base during a siege. In his invasion of North Africa, James's son and successor King Peter would bring along a supply of stakes with iron rings sufficient to surround his entire army on a bare plain. These he joined with ropes through rings to effect a palisade. He then brought in his earth-wall specialists (*tapiadors*) with their reusable wooden molds. The specialists packed and rammed into the molds earth and sometimes stones and a binding agent, to multiply building blocks for making fortified walls. At Játiva King James lived in a royal tent, as his barons would each have done separately; but the queen with her entourage was housed in buildings (*cases*). Such a siege-camp or *bastida* soon acquired a population of civilian merchants, pharmacists, tailors, entrepreneurs, provisioners, and hangers-on, as described by James at the siege of Valencia and by Muntaner for the North African campaign of King Peter, as well as the hundreds of goats, cows, sheep, hens, and pack-animals described by the king at other siege camps in the Valencian campaigns. Oddly enough the lifelong warrior James employs the

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[31] Ibid., caps. 255 ("cavallers de llinatge"), 256, 265 ("la host era tan gran que a la darreria que hi havia bé mil cavallers, e bé seixanta mília hòmens de peu"), and 269 ("tan gran host"). Earlier King James had ridden to Puig with fifty household knights ("ab cavallers de nostra mainada tro ab cinquanta").

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term *bastida* only twice in his memoirs, at Játiva in 1240 and in the actions of a raiding force at Villena.[32]

At some point in the siege of Játiva the knight from Castilian Cuenca, who was a relative of Cuenca's warrior bishop, turned up again. The knight's previous visit had been meant to allay King James's suspicions about Castile's designs on Játiva, assuring James that Prince Alfonso's embassy to the *qā'id* concerned only the manufacture of a tent. Now the knight had come to besieged Játiva and had stayed for two weeks under pretext of supervising work on the Muslim tent. King James records that he had realized the original story concealed an effort by Alfonso to negotiate for Játiva's surrender. Now James's Muslim spies in the town confirmed his present suspicions: the Cuenca knight was promising that Prince Alfonso "was coming," and that Játiva might make better terms with the Castilian. James cunningly proclaimed a regulation that no one in his camp could meet with Játiva Muslims. He then captured the Cuenca knight during such a meeting in the countryside, let him confess to a priest, and had him "hanged on a tree." The king's memoirs devote considerable space to the episode, and his recourse to hanging a knight further underlines his revulsion at this "deceit by which I might lose Játiva."[33]

The armies of Castile in the Murcian campaign were maneuvering close by. They now took Enguera and Mogente "in the jurisdiction [*pertinència*] of Játiva," which were "of Our conquest area." Failing to recover Enguera by bluff, and preoccupied with his siege of Játiva, James captured seventeen Enguerans by ambush; under the walls of Enguera he personally saw to it that half were beheaded and half hanged. As Prince Alfonso anxiously signaled for a peace meeting, James took Islamic Cabdet(s)/Caudete and Bigarra within Alfonso's

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[32] Ibid., c. 339: "en l'horta riba del riu, e d'altra part que ens venia un barranc: e dessús faem un vall, e així fo enserrada la host"; "ach-hi molts tornegs entre·ls nostres e·ls lurs"; on army, caps. 327, 339, 349; for civilian camp followers c. 265; for tailors, goats and cows in camp at Almenara siege c. 245, cf. 250. The Villena *bastida* is sometimes carelessly assumed to be a mobile wooden tower, but is without details and surely is a siegeworks. Muntaner, *Crònica*, c. 51. Desclot, *Llibre del rei En Pere*, c. 49. For the *tapia* earth walls see Thomas Glick, "Cob Walls Revisited: The Diffusion of Tabby Construction in the Western Mediterranean World," in *On Pre-Modern Technology and Science: Studies in Honor of Lynn White, Jr.*, ed. B. S. Hall and D. C. West (Malibu, Calif.: 1976), pp. 147-159.

[33] James I, *Llibre dels feyts*, c. 339: "en raó de fer la tenda, mentre la fayen, parlava pleyt entre l'alcayt e est rey Don Alfonso qui ara es, qui era infant"; "que·ls dixés que l'infant Don Alfonso venia, e que li atenessem lo pleyt"; "ab maestria per ço que nós perdéssom Xàtiva." C. 340: "que·l faessen penetenciar e confessar e que·l metassen en un arbre."

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zone. James even persuaded the knight holding Villena and Sax for Alfonso to surrender both to James's own army. The subsequent peace talks near Almirra or "Almiçra" near Biar, today (Camp de) Mirra, on March 25 and 26 proved stormy. Alfonso, engaged but not formally betrothed to James's seven-year-old daughter during a previous rapprochement, now suggested that James give him Játiva as a dowry, intimating that this had been offered in those previous negotiations. The Castilians argued that Alfonso would get Játiva anyway "because he [the *qā'id*] wants to give it to him." James informed the Castilians that he "would not give Játiva to any man in the world, for it was of Our conquest area"; that the *qā'id* would not be able to give it to Alfonso; and that "he who wants to enter Játiva would have to pass over Us." James had already saddled his horse to leave in a fury, when his queen tearfully intervened on behalf of her future son-in-law. At the end the future King Alfonso abandoned Castile's plans for Játiva; and a mutual boundary was drawn between Alfonso's Murcia and James's Valencia.

James's new boundary was anchored on Camp de Mirra itself, then ran down in a line or circle of protecting mountains roughly west to east: down through Biar and its passage, through the districts of Castalla, Jijona and Relleu, then east and north through Finestrat and Polop to Altea on the coast. Alfonso's line first comes south from Jarafuel, Almansa and Caudete/Cabdet(s) in Castile to Villena not far from Biar, then describes a linear counterpart to James's rocky border, from Sax, Petrel, Elda, and Agost around to Busot and Aguas de Busot to the sea. The regions along this line and north to Játiva were largely unconquered at the time of the treaty and presumably susceptible to Játiva's influence. The treaty removed Alfonso and Játiva's Castilian card from Játiva's life-and-death game, cut off contact with potential Murcian Muslim support, and grimly emplaced a psychological corridor and territorial bloc to facilitate King James's undisturbed conquest to Játiva's south. Játiva now stood truly isolated.[34]

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[34] Ibid., c. 341: "de la pertinència de Xàtiva, per ço com era de la nostra conquesta." C. 343: "ab nós més de la terça part dels cavallers que ab ells no eren." C. 345: "que Xativa que no daríem a hom del món, car era de nostra conquesta." C. 347: "que l'alcaid la li darà ... per ço car la li quer donar"; "qui en Xàtiva volrà entrar sobre nós haurà a passar." Enguera lies some 15 kilometers west of Játiva, Mogente some 25 kilometers southwest of Játiva. The Almirra text is in Huici/Cabanes, *Documentos*, II, pp. 176-177, doc. 388 (26 March 1244). See also González, *Fernando III*, I, 349-351, text in III, 280-281. Almirra, modern (Camp de) Mirra or El Campet, was also called in the thirteenth century Almizra (1255), Almiseranum (1276), and Almiçra (James I, *Llibre*), from Arabic *al-miṣr*. Though Almizra is com-

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Final Negotiations, 1244

The Almirra treaty was signed on Saturday March 26, and by Tuesday March 29 King James was back in his "host" before Játiva. He tells us that he stayed there for two months without receiving any overture from the *qā'id*. That sentence in fact is all James tells us to cover this second half of the siege. He had reached a stalemate, unable either to conquer or to abort, and apparently without heart to record whatever desultory skirmishing proved possible. The flow of charters surviving, only four in all after his return, may reflect this wearisome impasse. Toward the end of the second month the *qā'id* either lost his nerve or else shrewdly sensed that James was ready for some compromise. He sent his *kātib* or chancellor, actually his brother Abū al-Qāsim Ibn ʿĪsá for an exploratory private interview with the king. Abū al-Qāsim proclaimed the loyalty of the *qā'id* toward James: "you know well that his father had ordered him not to surrender this castle to any Christian in the world or to any Saracen, if he had to lose it" except to James himself, so that the *qā'id* in effect "held it for Us [James]." The siege therefore made no sense and should be lifted. James responded that he "knew by report [*per oida*]" about the dead father's words; but that "God wanted Us to be king of Valencia, and that Játiva was the noblest place in it outside of Valencia city." Indeed, "it was the key to the rest of the kingdom, and We could not be king of the kingdom of Valencia if Játiva were not Ours." Descending to a more practical level, James regretted the expense of this siege for both sides, especially his own future cost to reduce the city.[35]

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monly used today for the treaty, it is considered incorrect. King James's daughter Violant (whom he twice calls Yoles like her mother in his will of 1241 or 1242) indirectly if passively influenced the Almirra negotiations. James calls this child the wife (*conjux*) of Alfonso of Castile in that early will, and wife again (*muller*) before the 1238 fall of Valencia city (*Llibre dels feyts*, c. 241, cf. also *casat* in c. 345). Yoles was only about seven during the 1244 Almirra episode but already promised to Alfonso. Her formal espousals came in 1246 at nine years, and marriage in 1249 at the canonical age of 12. Baronial as against canonical perspective saw her status from the first arrangements at the age of three as wifely, however, though modern historians have unnecessarily puzzled over all this. See Francisco de Moxó y Montoliu, "El enlace de Alfonso de Castilla con Violante de Aragón: marco político y precisiones cronológicas," *Hispania*, CLXXI (1989), 69-110.

[35] *Llibre dels feyts*, caps. 350-351: "bé sabíem nós que son pare li havia manat que a negun chrestià del món ni a sarray non liuràs aquel castell si a nós no, si ell lo havia a perdre"; "que él per nós lo tenia"; "Déus volia que nós fóssem rey del regne de Valencia, e que Xàtiva era lo pus noble loch que y fos, de València enfora." Here the Soldevila edition goes on: "era clau de l'altre regne, e nós no seríem rei del regne de València, si Xàtiva no era nostra." Miret i Sans, *Itinerari*, p. 168.

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If the *qā'id* would simply surrender, "We could treat him well, such that he and his dynasty could live nobly." The king would "endow him and all his lineage, and would give him ten times what his lineage ever had," while Abū al-Qāsim would also receive "more than you have ever had ." The day after next, Abū al-Qāsim brought back a negative reply. But he also conveyed the wish of the *qā'id* to have a personal discussion with the Aragonese knight Eximeno de Tovía, his friend in the king's camp, as well as a truce from the present Wednesday until Sunday, so that the sheikhs could gather to deliberate in the mosque on Friday and Saturday. At this point the king tells his readers that he does not want to lengthen his account unduly; he then summarizes the negotiations as "dragging on a long time."[36]

The *qā'id* had to confer in the mosque with military and civic notables or representatives of important families and constituencies, whom James seems to have regarded incorrectly as a council or element of governance. Eximeno de Tovía together with Abū al-Qāsim, al-Mufawwiz, and the "very powerful" al-Shajasī, as plenipotentiaries presented to James the surrender proposals of the *qā'id*. First, he would hand over the smaller or outlying of the two castles in the town, retaining the major castle for two years dating from the coming Pentecost. Since Pentecost that year fell on May 22, this seems to place the parleys around mid-May. Second, the king could choose for the Muslims a replacement castle to substitute at that final transfer in two years, preferably the nearby castles of Montesa and Vallada. (The royal *Chronicle of San Juan de la Peña* in 1370 would describe Montesa as "an awesome stronghold, which was not captured in the conquest of the kingdom of Valencia"; much later it would house the formidable military Order of Montesa.)[37]

James now left his tent to consult with his queen and four of his intimate counsellors—the Hospitaller master Ug de Fullalquer, the lord of Tortosa Guillem de Montcada, Eximeno Pérez de Tarazona or Arenós as crown lieutenant for Valencia, and the admiral Carròs. The queen and these counsellors were surely alone in her rooms by

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[36] *Llibre dels feyts*, c. 350: "li poríem nós fer bé, si que el e son linatge ne porien viure honradament." C. 351: "nós heretar l'em, ell e son lynatge ... e que li darà X tans que anch son linyatge no ach"; "més que anch no n'hagués."

[37] *Crónica de San Juan de la Peña*, ed. Antonio Ubieto Arteta (Valencia: 1961), c. 36: "unum castrum vocatum de Montesia mirabilis fortitudinis quod non fuit captum in adquisitione regni Valencie, quinimo Sarraceni id ab antiquis temporibus tenuerunt." See also the translation by Lynn H. Nelson, *The Chronicle of San Juan de la Peña: A Fourteenth-Century Official History of the Crown of Aragon* (Philadelphia: 1991), p. 70. On Montesa as the successor order to the suppressed Templars, from 1317, see below, p. 121.

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design. At the negotiations to surrender Valencia city, James had "made all the women who came with her [the queen] go away and all the others" except the queen.[38] At Játiva now Queen Violant spoke for all in urging him "not to delay for one castle or two, for it is the finest castle in the world and the wealthiest I or any person has ever seen." Besides, James reflected, if he got one castle the other must eventually fall into his hands.[39] The king had achieved the maximum advantage he could expect from a siege that had lasted almost as long as that of Valencia city. He himself had deplored its expense, especially its future expense if pushed to any effective conclusion. And he still had a considerable territory elsewhere to conquer, guaranteed by the recent Almirra treaty but at the mercy of fortune's vagaries and of Castile's ambitions. Játiva seemed as strong as ever, but the Almirra agreement had deprived the *qā'id* of his immediate prospect of incorporation into Castile's semi-autonomous Murcia and had left him dispirited. James returned to the Muslim delegation, professed himself reluctant, but assented to the terms because "I had so great an affection for the father of the *qā'id* and such affection for his son [this *qā'id*] whom he had left to me under my protection [*comanda*]." He also acceded to the Muslims' request that the trusted Eximeno de Tovía serve as castellan of the smaller castle. The king then garrisoned and supplied that castle, and went off to Valencia city, where his itinerary locates him for most of August.[40]

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[38] *Llibre dels feyts*, c. 277: "faem-ne partir totes les dones que ab ella eren vengudes e tots los altres." These ladies-in-waiting ("les dones") appear on the Valencian campaign also in c. 238. At Játiva the queen was lodged, not in a tent like the king, but in "aquelles cases que nós havíem feites" (c. 353). Were these quarters "prepared" or "redone" or actually "built" as the Latin translation understands: "domos regine quas ipse [rex] sibi hedificaverat" (*Crónica latina*, c. 60)?

[39] James I, *Llibre dels feyts*, c. 353: "que no ho allonguets per un castell ni per dos, que el pus bell castell és del món e el pus ric que jo anc veés, ne null hom." On "Setxi" or al-Shajasī see above, p. 84; the name relates to Sax, below Villena, al-Ḥimyarī's Shajas. Rubiera and Epalza, in their *Xàtiva musulmana*, (pp. 136-137), discuss the nature of the sheikhs' meeting as an exceptional or emergency rallying of the city's military, juridical-official, and notable-family elements, by no means an advisory council as an element of normal governance. The sheikhs or elders (*vells*) would have been especially the representatives of the important families. The *qā'id* was still the governor or ruler, in this extraordinary circumstance merely associating his subjects in the negotiations to present a diffuse and intimidating front to the enemy.

[40] *Llibre dels feyts*, c. 354: "tant amàvem nós son pare de l'alcayt e tant amàvem son fiyl, que·ens havia lexat en nostra comanda." On the surrender and tribute see also Rubiera/Epalza, *Xàtiva musulmana*, p. 103, with citation to Ibn al-Abbār.

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All these details are valuable for understanding the treaty itself, especially since it is the only Játiva treaty in the series of four to have physically survived. From the vantage of the Muslims, the city and castle remained firmly in their hands; a fixed annual tribute had to be paid; and two years remained during which the regional or international context might shift (as in fact it did) in Játiva's favor. King James too was pleased. He obviously considered this an epic achievement, since he devotes over twenty chapters to this one siege and its context. As obviously, he felt himself to have tarnished his image as chivalrously just, to judge from his recurrent self-justifications and his appeals to the promises of the father of the *qā'id* and also to necessity and even to God. The selection of detail expresses his personal and feudal background, his limitations, and his private agenda in writing both the memoirs and this segment of them. Still, the basic process must have followed that general course.

The progress of negotiations was reported somewhat differently by the contemporary Desclot. He notes, correctly enough, that the king could finally see that the castle was too strong and could not be taken by force. Falling back on stratagems, James sent for the *qā'id* of the main castle (James's account has the initiative come from the *qā'id* and his sheikhs). Desclot has the king offer a great bribe, ten thousand morabatins (James's account also includes extravagant promises of wealth to the *qā'id* and Abū al-Qāsim). The *qā'id* was to continue to hold Játiva, though for the king, and to acquire as well Montesa castle. (This too accords with James's narrative.) The divergence between the two stories comes especially here: in Desclot the *qā'id* allowed James to garrison the main castle and thus force surrender of the small castle, the younger brother as commander having been left out of the talks. That latter element is intrinsically implausible, given the military situation and subsequent developments. Desclot's narrative here is very brief and contains "elaborate details not common to his style."[41]

King James, in contrast to his neglect of all detail about the siege from the time of his return to the siegeworks on March 29 up to the overture by the chancellor of the *qā'id*, offers abundant detail in five chapters of his memoirs to cover his ultimate negotiations for surren-

[41] Desclot, *Llibre del rei En Pere*, c. 49; quotation from his translator F. L. Critchlow, *Chronicle of the Reign of King Pedro III of Aragon, A. D. 1276-1285*, 2 vols. (Princeton: 1928-1934), I, 139, note 16, applied to the castle surrenders. See also Soldevila in the notes to his edition of the *Llibre dels feyts* of King James: "cap rastre en el *Llibre* de la tradició dels dos germans, cadascun dels quals té un dels castells de Xàtiva, la tradició que ens ha conservat Desclot" (p. 334 as note 12 to c. 353).

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der. Consequently we know that the Muslim envoy arrived on a Tuesday, returned again on Wednesday to request Eximeno de Tovía's presence at the meeting planned by the *qā'id* and the sheikhs, secured a truce from Wednesday into (*tro als*) Sunday, and then led the Muslim negotiating team to the king's camp on Monday. Since the king puts the post-Almirra waiting period at "two months" (one manuscript says "two months passed"), and since the date on the newly discovered final treaty says "June 5," it may be possible to reconstruct a calendar of the Játiva negotiations. The agreement as reported by the king called for the Muslims to "hold the main castle from that Pentecost for two years," Pentecost falling in 1244 on Sunday May 22, and in 1246 of the same Incarnational calendar on Sunday May 27.

From this data Soldevila suggests that the Wednesday on which the process started had to be either May 11 or May 18; but he is influenced by misreading the king's phrase about the parley lasting long, to include further interchanges rather than only those lengthy talks immediately on Tuesday and Wednesday. Much depends also on whether James's dating of the main castle's transference meant two years from "that" (*aquella*) just passed Pentecost, or as Soldevila assumes "that" coming Pentecost. If Soldevila's choice prevails, James did not have to wait two months but began negotiations on Wednesday May 11, or at the latest on Wednesday May 18 as less likely.[42]

Agustí Ventura i Conejero, presently official chronicler of Játiva, has advanced a different theory, also centered on the words "that Pentecost." He settles the year of this treaty by correlating the movable feast of Pentecost with the king's known or potential presence during 1244 and following years. King James could not have been at Játiva on either Pentecost or June 5 in 1245, 1246, 1250 and into 1252; 1247 and 1248 allow possible but unsatisfactory presence. 1244 emerges as the most probable time for a siege and treaty. Though allowing for later supplementary treaties now lost, Ventura posits the effective surrender of Játiva on Pentecost Sunday, 22 May 1244, since the king conceded tenure of the main castle there to the Muslims for two years from "that" (coming) Pentecost on May 22. This reckoning allows two full weeks to pass after the surrender and before the treaty

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[42] See Soldevila's edition in *Les Quatre grans cròniques*, p. 333, c. 352 of James's *Llibre dels feyts*, note 7. Cf. the leap year calendar for 1244 in Adriano Cappelli, *Cronologia, cronografia e calendario perpetuo* (Milan: 1952), pp. 60-61. The Pentecost wording is in the *Llibre dels feyts*, c. 353: "tingués lo major d'aquella Pentacosta en dos anys." The English translator also understood this as "from Pentecost next" (*Chronicle of James I*, transl. John Forster, II, 468).

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with its face-date June 5, an uncomfortably long lacuna of inaction to explain.[43]

Figure 1 Calendar for May/June 1244

May 1244

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11*	12	13	14
15	16	17	18*	19	20	21
22	23	24	<25	26	27	28
29 >	30**	31				

June 1244

			1	2	3	4
5	6***					

* Soldevila's choices
< > truce by king, for deliberations
** Muslim terms brought to James's camp, accepted
*** king at Ondara near Denia

Pentecost May 29. Ventura date for surrender
Treaty June 5

A more plausible scenario can replace those of Soldevila and Ventura. James did not say that Játiva surrendered on Pentecost, nor even that the main castle had to remain in Muslim hands for exactly two years from some point in the future. He only says that the castle tenure would extend for two years from "that" Pentecost. Catalan *aquella* means "that" at a distance of time or place, as opposed to "this." It could mean the Pentecost just passed—in the later recollections of the royal author, "that" year's Pentecost. At any rate, Pentecost is not the central concept here. The king's "two months" of frustrating siege may well have been the period from his return to Játiva on March 28 or 29 down to his reception of the Muslims'

[43] Typescript of article from Ventura i Conejero, 24 January 1996, to be published in *El Levante* in Valencia.

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terms on Monday May 30. In that calendar scheme the previous initiative by the Muslims came on Tuesday May 24, the truce and deliberations in the mosque on Wednesday May 25 to Sunday May 29, and the acceptance by the king after brief consultation with queen and counsellors on Monday May 30. This allows five days, May 31 to June 4, to garrison and provision the smaller castle, to announce the news broadcast to the realms, to break camp and disperse much of the troops, to draft the Arabic and Latin interlinear charter of surrender, to reward the main captains, and in general to celebrate while tying up loose ends. Since the town itself with its grand central mosque was to remain for two years more in Muslim hands, the king would prudently have omitted the grand entrance into the city with Te Deum and the confiscation of mosques characteristic of more decisive capitulations as at Valencia city. The sealing of the treaty (there was no signing though a trace remains of the king's signum) may have taken place after Mass, in the king's residence within Játiva, leaving most of that long summer day and most of the next day of June 6 to allow for the king's fast trip to Ondara, close to Denia.

In keeping with his dispirited silence in the months between Almirra and the two-week flurry of negotiations ending in surrender, King James closes abruptly with a single sentence the whole epic of his Játiva siege: "And We granted them this, and took over the lesser castle, and sent Our army away, and garrisoned the castle very well with provisions and men, and betook Ourselves to Valencia."[44] He leaves no hint of celebrations or triumph or loyalty rituals by the local Muslims. This door was firmly closed, this chapter written. In fact his documentary trace finds him at Ondara the very next day after the treaty, seven kilometers outside Denia on the coast to the southwest, making his way (he tells us) toward Valencia city to the north. Electrifying news met him at Valencia, which left him little time or opportunity to concern himself further with Játiva. An offer to surrender Biar sent him down to the extreme southwest border, where he found instead over four months of heavy fighting and negotiations, until a very belated surrender. After the Biar adventure he did return to

[44] James I, *Llibre dels feyts*, c. 354: "e nós atorgam-los-lo, e presem lo castell menor, e aixi partim nostra host, e establim lo castell fort bé de vianda, e d'hòmens, e tornam-nos-en en València." Ventura notes that the splendid mosque in which the surrender terms were argued by the town's sheikhs survived intact as a Christian church down into the sixteenth century and later, appearing in the Wing drawings in that century. He also recalls that the early modern chroniclers Miedes and Escolano indulged in fantasy when they have the king and queen end the siege by consecrating the mosque, after a debate over whether to destroy it (see the *Levante* article above in note 43).

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Játiva—for a passing stay on 8 February 1245 by Miret's reckoning but for a more leisurely residence from February 8 to March 10 by Soldevila's adjusted calendar.

Military Transfer, 1246

James was away in the north, at Perpignan or Gerona, during the scheduled delivery of Játiva's major castle on Pentecost of 1246; but he did visit the place on July 18. His surviving date lines show only three other visits, respectively on 16 February 1249, 23 January 1250, and 20 February 1255, until his military campaign against the rebel Muslims in spring 1258. Játiva was nevertheless much on his mind from late 1247, as the revolt of al-Azraq erupted and became general in southern Valencia.[45]

The effective surrender of Játiva and its final siege, in King James's estimation and autobiography, took place in 1244, a circumstance lending great importance to our newly discovered treaty charter. The military defenses were soon displaced entirely by the action of 1246, and the king still had his palace or town house in the city. The Muslim population stayed in place, however, both in town and country. No significant movement of Christian settlers is even hinted. The 1246 situation was typical of early Mudejar transfers; but the result was even more structured here as an Islamic society, since this transfer was largely a legality and a garrison. Muslim historians paid little attention to this maneuver, routine in the ebb and flow of conquest in Spain during those days.

The most credible Muslim commentator on this 1246 episode was Ibn al-Abbār, secretary to Abū Zayd and then to Zayyān before fleeing to Ifrīqiyah (Tunisia) at the fall of Valencia city. Epalza notes

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[45] The surviving datelines are schematically in Miret, *Itinerari*, appendix, pp. 351-357, and with the document pertaining to each in the chronological body of the book. Ferran Soldevila's reckoning is in his *Pere el Gran*. If the latter is correct, the king would have been in Valencia on March 6 too. The visit to Játiva of 18 July 1246 was occasioned by his settlement of problems at Alcira between Christians and Muslims. In the last decades of his life, James tells of visits to Játiva in his *Llibre*, caps. 409, 502, and 520, and as headquarters against the Valencian Mudejar rebels in 1276 in caps. 555-556, 558, 560, 565. The *Itinerari* datelines for these latter years show a month's stay in January 1261, and a few days in November 1265 and in January 1269. Then came a day in April and one in November 1270, and one in February 1271. 1273 shows a scattering of dates in June, September, and December (into February 1274). His final half-year, 1276, has him spend much of February plus March 30 to June 27 at Játiva.

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that Ibn al-Abbār has the "Barcelona tyrant" (*ṭāghiyatihim al-barjilūnī*) conclude a "truce" (*muhādanah*) and "deceits" (*mudāwarah*) at Játiva in the month of Ṣafar, Tuesday the seventeenth in 636, and subsequently take over Játiva fully in the month of Ṣafar in 644—in the Christian calendar July 1246. Ibn al-Abbār also mentions a friend who had fled from Játiva after the 1244 "siege" (*muḥāṣarah*) and expulsion or scattering (*ifrāj*), arriving in Bugia at the end of the month of Jumādá I in 642—the beginning of November 1244. In another passage Ibn al-Abbār notes a victim of this "expulsion" (*jalā'*) from Játiva in the month of Ramaḍān of 645, namely January 1244. Though isolated at Tunis, Ibn al-Abbār had only recently left the Valencian region and his high office there and was receiving information from the "thousands" of Muslims emigrating to Tunis from al-Andalus.[46]

Should we make much of Ibn al-Abbār's "truce" (*muhādanah*) for the 1244 arrangement? Did he see it, and the Muslims of Játiva with him, as merely a pause in the fighting? Hadia Dajani-Shakeel has explored this and other forms of peace treaties between crusaders and Muslims in the twelfth century, especially analyzing nine such agreements between the Latin kings and Damascus. Three varieties of treaty were *muhādanah*, *hudnah*, and *muwāda'ah*, each of which created legal consequences. The *hudnah* seems closest to the European "truce," limited in time, allowing mutual release of captives and other exchanges, perhaps with hostages or even a tribute. Neither party could break this without notification. The *muwāda'ah* seems more straightforwardly a treaty of peace. The *muhādanah* at issue here should be "a unilateral proposal for peace," a rather formal truce.[47] Some Muslim chroniclers used all three as synonyms, which suggests that the truce was a seriously formal action and the peace treaty not as inflexibly a termination of hostilities as the terms might be in theory. Perhaps the conditional nature of the 1244 Játiva surrender, with the main castle to be given up only after two years, may have influenced Ibn al-Abbār's choice of terminology. His full assessment of the series of surrenders at Játiva must wait for his comments below on the great displacement of 1248. Peter Malcolm Holt has similarly

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[46] Epalza, "La caiguda de València i altres caïgudes d'al-Andalus, segons l'obra en prosa d'Ibn al-Abbār," in *Ibn al-Abbār: polític i escriptor*, pp. 36-37, quoting from Ibn al-Abbār's *al-Ḥullah al-siyarā'* and his *Takmīlah*. See also Rached Limam (Rashād al-Imām), "Ibn al-Abbār y su época en Túnez," in *Ibn al-Abbār: polític i escriptor*, pp. 118-119, on the Jativan refugees in Tunis.

[47] Hadia Dajani-Shakeel, "Diplomatic Relations between Muslim and Frankish Rulers 1097-1153 A.D.," *Crusaders and Muslims in Twelfth-Century Syria*, ed. Maya Shatzmiller (Leiden: 1993), especially pp. 211-213 and the paraphrased treaties on pp. 202-209.

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but at greater length analyzed eleven truces and treaties between the Mamlūk sultans of Egypt and various crusader or other Christian rulers between 1260 and 1290, prefacing the analyses and texts with an explanation drawn from a chancery encyclopedia by al-Qalqashandī (d. 1418). In theory most such arrangements were truces, according to al-Qalqashandī, expressing in bilateral form a unilateral grant to the infidel, of limited duration (though renewable), establishing mutual truce and amity, ratified by both rulers. Proper treaties, usually commercial, al-Qalqashandī would see rather as a unilateral grant from the Muslim ruler even in format.[48]

Chapter ten below will deal explicitly with the wider Islamic understanding and tradition of peace or truce with the infidel, including its nuanced vocabulary. Meanwhile it is clear that by 1246 a real surrender and transfer had occurred here in a military sense, though differently viewed by Muslim and Christian. Both Muslim and Christian experience, moreover, had shown that such situations were unstable and liable to reversal. It is doubtful that even the *qā'id* of Játiva and his sheikhs saw the 1244 treaty as irreversible or as anything but a transient compromise in their normal world of flux. King James experienced the 1244 surrender as a major and permanent conquest, as much perhaps for its exclusion of Castile from Valencia as for its wealth in tribute and resources. Unlike conquests in central and northern Valencia, however, Játiva's arrangement in 1244 and 1246 was much more "colonial," a region apparently fated to remain a Muslim land, lightly garrisoned by a remote Christian government. For both Muslim and Christian here, that was to change radically in 1248.

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[48] Peter Malcolm Holt, *Early Mamluk Diplomacy (1260-1290): Treaties of Baybars and Qalāwūn with Christian Rulers* (Leiden: 1995), pp. 3-9.

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CHAPTER SIX

EXPULSION 1248, REMOVAL 1252, EPILOG 1277

Muslim historians, particularly the contemporary Valencian Ibn al-Abbār, clearly saw the destruction of Islamic Játiva as taking place in 1248. Ibn al-Abbār dates the removal of Abū Bakr's court and entourage to Montesa castle as in January 1248 and reports a general expulsion.[1] Since Muslims did remain in Játiva for a few years yet, he may be referring to the removal of elites and mercantile elements or else may be compressing the events between 1248 and 1252. As Rubiera notes, in any case, the expulsion and removal of 1248 "caused a great scandal among all the subject Muslims of James I." A local Muslim railed that "the Barcelona tyrant is breaking the treaties and pacts that he had with the Muslims of al-Andalus, and is going to expel them from their homelands and possessions, as is happening with the people of Játiva and other places."[2]

Some left Játiva for Granada or for James's tributary client state Minorca, while most went to Morocco or Ifrīqiyah (Tunisia). Ibn al-Abbār speaks of "thousands" of Andalusī refugees arriving at Tunis. The Jativan wave was joined by émigrés from fallen Seville in 1248.[3] The elites displaced from Mediterranean al-Andalus, such as the Jativans, won so many high places in Tunisian government that a revolution soon broke out against them in 1250, put down by the palace guard and by Valencian expatriates under the leadership of Valencia's ex-ruler Zayyān.[4]

1248 Revisited

What lay behind this apparently sudden extrusion, with its renunciation of previous treaties by the Christians? Muslim chroniclers saw it simply as a brutal expulsion, with no further meaning or context, an

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[1] Abū ʿAbd Allāh Muḥammad b. ʿAbd Allāh Ibn al-Abbār al-Quḍāʿī, *Kitāb al-Ḥullah al-siyarāʾ fī shiʿr al-umarāʾ*, ed. Husain Munis. 2 vols. (Cairo: 1963), II, 303.

[2] M.J. Rubiera, "La corte literaria de Saʿīd ibn Ḥakam de Menorca (s. XIII)," *Revista de Menorca*, LXXV (1984), 121.

[3] On the Seville exiles see González, *Fernando III*, I, 387-390. Ibn al-Abbār in note 1 above. Rubiera/Epalza, *Xàtiva musulmana*, p. 103. Guichard, *Musulmans de Valence*, II, 423. M. C. Barceló Torres, "Los Banū ʿĪsā, alcaides de Xàtiva y Montesa," *Xàtiva: Fira d'agost 1982* (Játiva: 1982), p. 26.

[4] Huici, *Valencia musulmana*, III, 263.

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inexplicable episode of tyranny. King James's own account adds considerable context and a full narrative, though fatally flawed by its self-serving bias. His memoirs have him hearing of al-Azraq's revolt and reacting with a decision to expel all Muslims from the kingdom of Valencia. "By the treaty I had made with the Saracens, I could not throw them out of the land"; but now he could legally try to do so. While going from Calatayud down to Valencia city to assess the damage by the rebels, he had a two-day visit from the *qā'id* of Játiva "with a great company of Saracens and a good ten sheikhs of the town." Verbally protesting loyalty and "grief" at al-Azraq's revolt, the visitors nevertheless looked secretly pleased; they offered no help at all, not even inviting the king to Játiva. They did say that Játiva had become "so filled up" with Muslim refugees from elsewhere that they were packed "shoulder to shoulder."[5]

As the revolt spread, the king held a council at Valencia with "two or three" prelates, five citizens, and "the high barons who were there," announcing that God had given him a *casus belli*. "He guards me so I do not break the treaties I have with them"; but God now supplies "a reason to fall upon them." No longer could the Muslims "live richly among us"; the king would evict them from the land and "settle Christians on it." He therefore planned to reinforce the garrison at Játiva "and the others," and to proclaim a crusade at Valencia's cathedral that would rally not only his own people but those "from other countries." He would target only Muslim rebels, not the Mudejar population at large. The rebels must leave for Murcia and so to Granada "or from there further," with their families and what possessions they could carry. The king ended on a practical note. Since North African Muslims might make common cause with those in Spain, reversing all the progress of the past decades: "it is better that harm fall on others than upon us."[6]

The king sent "letters and messages in Arabic" broadcast to the rebels, ordering them to leave within a month. Those "in some more

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[5] James I, *Llibre dels feyts*, c. 361: "a nós plau molt; que per les covinençes qu·ens havien feytes los sarraïns, no·ls gitàvem de la terra; e, pus ells nos fan cosa per què·ls ne gitem, e a Déu plau, a nós plau molt que alí on longament és cridat e invocat lo nom de Mahomet serà-y appellat lo nom de nostre Seyor Jhesucrist." C. 362: "ab gran companya de sarraïns e dels vells de la vila ben deu"; "tan poblada que·ls hòmens se ferien de muscle a muscle."

[6] Ibid., c. 364: "ells richs hòmens que y eren ja"; "e sembla obra de nostre Seyor, car ... guarda a mi que jo no·ls trench les covinences que he ab ells; que pus ell[s] me donen raó que vinga sobre éls, jo retenén d'éls en ma terra e no gitan-los de lurs alberchs ni faén-los mal perquè no poguessen viure richament ab nós"; "de poblar-la de christians." C. 365: "del regne nostre e de les altres terres"; "o d'aquí enlà." C. 366: "e val plus que·l dan venga sobre altre que sobre nós."

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important places" returned their envoys to protest, offering more taxes to dissuade James. The Jativans particularly offered 100,000 besants a year—over 300,000 Valencian sous. The king's reply confusingly lumps Játiva with the rebels but he conveys his reason in a phrase: "who have defaulted." This relates to refusal of feudal obligations, a crime punishable by confiscation and exile; Játiva's disinclination to volunteer against the rebels was thus distorted into outright refusal. "A great war" ensued. At some early point the king tried to have all the rebels or disaffected rounded up and escorted to the Murcian border. The head fee there showed that 100,000 adults had crossed, he tells us, a column "five leagues from van to rear guard." Subsequently, after "a war of three years or of four"—including an intervention by Castile to protect the rebels, a year's truce, and much hard fighting—al-Azraq and the rebels were expelled.[7]

The king's account is brief, summary, and without chronology. It is in fact a cover-up. Only recently has it been possible to reconstruct from documents the tale of this decade-long war, in reality a continuation of James's Valencian crusade. The salient facts are as follows. James had seemed to conclude his nearly fourteen-year crusade in 1245 but had really only effected the truce with al-Azraq, as seen above. The desperate opportunities that had counseled peace also called him north, where his subsequent failures and ill luck were compounded by al-Azraq's startlingly successful renewal of the Valencian war around October 1247. The king's council at Valencia, decreeing general expulsion, took place on 1 December 1247. Ecclesiastical revenues were collected early in 1248 to promote the crusade. In November 1248 Pope Innocent IV formally proclaimed that crusade. Even in March and April of 1249 a major war was still in progress. The following decade of campaigns and truces do not belong in the Játiva story except as background to the removal of its Muslims outside the city and its settling by Christians. A bloody and relentless final campaign would close with a negotiated treaty between James and al-Azraq in July 1258.[8]

Despite the king's rhetoric of expulsion, the Muslims largely remained in place; indeed, barons and king alike, as well as churchmen,

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[7] Ibid., caps. 367-368: "cartes e missatges en aràbich"; "d'alcuns lochs honrats"; "que havien forfeit"; "ach-hi gran guerra." C. 369: "tenien .V. legües, de la devantera tro en la rereguarda." C. 371: "e durà la guerra be per .III. ayns o per .IIII." On the feudal significance of *forfeit* see Rodón Binué, *Lenguaje técnico del feudalismo en Cataluña*, pp. 122-124 on *forisfacere* and variants. Medieval Catalan *forfer* in its feudal usage followed the Latin.

[8] Burns, "Crusade against al-Azraq," his "Lost Crusade," and his "Guerra de al-Azraq" supply full details (see above, chapter 1, note 5).

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would have suffered heavy economic and especially tax losses by the removal of that work force. The émigrés encountered at Tunis by Ibn al-Abbār, the column of Muslim expellees sent south beyond the Murcian border at the war's start, and the several boatloads of rebels forcibly departing at its end, would seem to reflect the usual departure of elites, including rebel leaders with their entourages and clients. The number 100,000 (used both for the first column of exiles and the bribe they had offered the king) would simply have been a chronicler's term for "very many," after the fashion alike of Christian and Muslim historiography then.[9]

The *qā'id* of Játiva was not treated as a rebel, nor did the whole population of Játiva leave. A Muslim urban and rural population remained there; the celebrated paper industry of the Muslims there continued to flourish; and Játiva would serve as the Mudejar focus or center in the Valencian kingdom for two centuries more. The crown's concern for the prosperity and content of Játiva's population would continue into the next century.[10] Under James's successor King Peter, of course, a final war would embroil Játiva's ex-*qā'id* at Montesa and lead to the loss of that castle in 1278 as a military and cultural center for Valencia's Mudejars. What then happened from 1248 into 1252 to explain the "final" treaty in the linked series of Játiva treaties?

From items in the kingdom's jumbled book of land division, the bewildering *Repartiment*, over six hundred houses or buildings ("domus") were assigned at Játiva to Christians in 1248 and part of 1249. Starting in February, the stream of grants ran strongly from March through May 1248, less strongly from June through August, with some thirty still coming during the first five months of 1249.[11] Religious corporations were established in Játiva early in 1248. The Franciscans received a mosque in February as did the Dominicans, while a mosque that month became the town's central St. Mary's

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[9] See Ibn Khaldūn's contemptuous dismissal of historians' "nonsensical" exaggeration of numbers of people or money in his *Muqaddimah*, I, 16-24 (I, 9-13 Arabic).

[10] This is a theme of Isabel O'Connor's "Mudejars of Játiva" and of Ferrer i Mallol's "Xàtiva" (see below, notes 25 and 26).

[11] The *Repartiment* of Valencia in the section of chancellery registers of the Arxiu de la Corona d'Aragó can also be consulted in exquisite color facsimile along with a transcription and facing columns of Latin and modern Catalan, with full indexes, as *Llibre del repartiment de València*, ed. Antoni Ferrando i Francés et alii, 4 vols. (Valencia: 1978). A black-and-white facsimile can be useful for its contrast of script and paper, the *Repartiment de Valencia, edición fotocópica*, ed. Julián Ribera Tarragó (Valencia: 1939). The *Libre del repartiment del regne de València*, ed. M. D. Cabanes Pecourt and Ramon Ferrer Navarro, 3 vols. to date (Zaragoza: 1979 ff.) seeks to solve the mystery of these jumbled folios by reorganizing their data in chronological and geographical patterns; see vol. III (register 7) and its index.

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church. In July the Valencian diocese divided into two archdeaconries, the new one appearing at Játiva. Most of the Jativan grants were by individual name, though whole parties also entered the records—of 10, 50, 60 or 200 people, and groups of 35 and 25 in villages nearby. As was customary, each city house included a farm or rural property in the countryside, presumably with its former Muslim owner there now as tenant. The "surveyors" who distributed these properties appear in formulas a half dozen times, as does provision of a deadline for taking up residence. The previous Muslim owners appear only some fifteen times.

A few Muslim beneficiaries receive properties themselves, including Valencia's ex-*wālī* the *sayyid* Abū Zayd. Some fifteen mills, several fonduks or caravanseries, public ovens, and at least one public bath near the town wall turn up, as well as a butchery for twenty Christian butchershops, a "hospital for the poor," the king's rental shops (including twenty-eight shops for as many leather workers), some finer estates for favored individuals, and "a little garden with a large palm." Echoes of the city's former Muslim existence and personnel persist as descriptions—the plaza "where pottery was sold in Saracen times," "the plaza where livestock was sold in Saracen times," former properties of the *qā'id* (including a millworks with fourteen grinding wheels), an oil press, the fiscal *mushrif*, a learned *faqīh* and a judge or *qāḍī*. The *Repartiment* must be used with great care because of its ambiguities of terminology, uncertain chronology, hidden repetitions, and its debated nature (perhaps a record mainly of special crown gifts to favorites, and thus radically incomplete?). Enough appears in this sudden outpouring to show that a Christian population was being moved into the city and being placed in control of much of the countryside. Those who took up their claims would often have needed a year or so to settle their affairs and remove to this frontier. Many or most may never actually have come.[12]

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[12] An overview discussion of the three books of Valencia's *Repartiment*, and the stages of population settlement they represent, is Pedro López Elum, "La repoblació valenciana" in Belenguer, *Història del país valencià*, II, 87-112, especially pp. 100-102 on the grants in 1248-1249. López Elum stresses that many grants probably went unclaimed, thus accounting for the difference in family names in the *Repartiment* as against fourteenth-century documentation. For the years 1248 and 1249 throughout the kingdom he finds 850 grants, each year having roughly half that total. In 1248 nearly ninety percent of the grants lay south of Valencia city and especially in the Játiva district. In 1248 the distribution was more equally to north and south of the kingdom (p. 101). See too López Elum's larger exploration as part two of his *Conquista y repoblación valenciana* of this settlement as seen from a wider range of sources, and his general conclusions (Játiva on p. 222).

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This flurry of activity, presupposing the removal of all or a large part of Játiva city's Muslim population, opened the way toward Játiva's last treaty. It seems clear that Mudejar Játiva as such had not taken part in the rebellion nor broken the terms of its current treaty. The surge of anger conveyed by contemporary Arabic commentators, and their view of James as himself the culprit in this instance, points to that conclusion. And the king himself, always swift to cite another's blame, had charged Játiva only with the negative fault of not having volunteered military support to him as a feudal vassal ought to have done. James had also cited a practical reason: to attack Játiva before it might attack him. That was another way of saying that he realized the objective threat Játiva posed, as the last major bloc of Islamic Valencia still not properly assimilated, as the psychological and spiritual center for the Valencian kingdom's less advantageously situated Mudejars, and as militarily powerful by reason of Montesa's "awesome" castle not far away.[13] Worse, Játiva might again turn to Castile (as in fact a nearby rebel, al-Azraq, would now do twice), forming an axis the king might not be able to confront effectively.

The schedule for removal of the *qā'id* to his military headquarters at Montesa, and of the civilian population into an external suburb or into exile at their choice, can be reconstructed in broad outline, from January 1248 to January 1252. Given the king's desperate military situation in those years, and the logistics of rallying and financing the al-Azraq crusade, the pace of transition seems reasonably brisk. Ibn al-Abbār dated the administrative removal as in January 1248, as seen above, while the busy assignment of urban properties and offices to Christians by the king's surveyors presupposes a civilian removal at least in stages from early 1248 into 1249.

Játiva's Last Treaty: 1250 and 1252

The culmination of this movement of Christians into Játiva, displacing what remained of the Muslim population, was the king's award of a constitution drafted at Lérida for the newly Christian city in August 1250. In juridical form it can be seen as a *carta puebla* or settlement charter like the hundreds granted by the crown to establish a settlement's civil and economic framework with its special privileges or obligations beyond those incumbent on all royal places. The original

[13] *Crónica de San Juan de la Peña*: "mirabilis fortitudinis." Burns, *Islam under the Crusaders*, p. 344.

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is long gone, as is an original confirmation of 1318; but a copy of the latter entered the crown registers and was copied again twice in the sixteenth century (both versions lost) and again in the eighteenth and nineteenth centuries. All these stages were notarized, so the version of 1826 is substantially that of James II's confirmation of 1318. On 18 August 1250 the charter confirmed all present and future properties irrevocably, according to the new *Furs* code of "the citizens of Valencia" and as assigned by crown surveyors, to be held for ten years ("from the first day after We began to settle the said town with Christians") before alienating or selling them freely. It assigned a regional market every Tuesday and a ten-day fair annually on St. Martin's feast, with protection and fee-relief for all attending merchants. The king's bailiff here was to appoint an impartial judge to hear all cases, and the city's justiciar was to hear all appeals from the district. The district's boundaries and dependent villages were clearly marked, including those agreed with Prince Alfonso of Castile six years earlier at Almirra. No tolls applied in the Alcira region "except what was paid there in the time of the Saracens." All the district's militia were to follow the war banner (*vexillum*) of Játiva "in any host or draft" by the city's bailiff, justiciar, or notables. And citizens were to hold in common everywhere all forests, waters, woods, pasture, and hunting.[14]

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[14] The full text is in Enric Guinot Rodríguez, ed., *Cartes de poblament medievals valencianes* (Valencia: 1991), pp. 222-224, doc. 83 (18 August 1250), where also the stages or sequence of copies are given. Sarthou Carreres has a Castilian translation in his *Datos de Játiva*, I, 78-79. Agustí Ventura and A. Peris i Joan have a Catalan translation, "Tres documents sobre la fira de Xàtiva" in *Xàtiva: Fira d'agost* 1979 (Játiva: 1985), p. 83. The quotes here are from Guinot's transcription: "ad forum civium Valentie"; "a prima die citra qui [= quam] nos dictam villam incepimus populare de christianis," as distributed by two named surveyors "et per alios divisores"; "nisi secundum quod dabantur ibi tempore sarracenorum"; "teneantur sequi vexillum Xative et ire vobiscum insimul in quolibet exercitu et appellitu." The Játiva region or district, presumably reflecting the "senyoria" of the *qā'id* up to this time, embraced "Enovam et Castillionem cum terminis eorumdem, sicut dividunt cum termino Algazira, et Sallient et Canales cum terminis suis, sicut dividunt cum termino de Montesa, et alchariam de Ollis cum terminis suis, sicut dividit cum termino de Ontigien et sicut vadit somontanum ex parte Xative cum omnibus alchareis quas tempore sarracenorum habebant in valle de Albaida usque ad terminum de Albayda et de Luxen et usque ad terminum vallis de Morignen et usque ad terminum de Aliazire; damus etiam et adiungimus vobis totam vallem de Albayda a termino videlicet de Villella superius et Carboneram, et Carricolam et Albaydam et Ontignen, cum omnibus terminis suis sicut vadunt usque ad Muxen, et Muxen cum suis terminis usque ad serram de la Rua, sicut dividit cum termino de Castella, qui fuit divisus inter nos et dompnum Alfonsum, Infantem Castelle, et usque ad terminum de Madrona, et de Cortes sicut vadit a rivo inferius usque ad terminum de Sumacarcel."

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When a similar but longer and more complex constitution went to the Muslims of Játiva, it did not come until a year and four months later, on 23 January 1252. James's attention and itinerary had meanwhile been distracted to his northern realms. But as late as March 1250, Pope Innocent IV had reported the king as "tirelessly battling the Saracens," and had called on the Hospitallers and Templars for help against both the Muslims and surprisingly "the Christians favoring them in this" (another hint of James's paranoia about Castile's machinations?). Now the pope sympathized with "the many evils" and "many afflictions" of the king.[15] On 1 February 1252 Innocent conveyed to the bishop of Valencia faculties for commuting or dispensing the king from certain "vows" and "promises," doubtless as to actually expelling Valencia's Muslims.[16] There is a sense of stalemate or standoff in the general fighting from about 1252 to the first truce with al-Azraq engineered by Castile in Easter 1257. In any case, the extra sixteen months before Játiva's Muslims got their own charter may relate simply to the logistics of the situation—haste to establish a Christian polity and dominance within the town, and the more complicated task of creating housing for the expelled Muslims in their suburb. As more Christians took up residence, more Muslims would have drifted outside the walls, a critical mass of Muslims and their administrative entities finally accruing by late 1251, so that a Mudejar constitution could be hammered out on 23 January 1252.

This last agreement or treaty, though generally in the form of a settlement charter, is very much in the style and content of the many surrender charters King James had made with Muslim regions in Valencia. It spells out rights and procedures in detail, though all the charters in this genre also assumed common Mudejar arrangements that needed no specification. Mudejar agreements at this time and region accomplished more than Christian *cartas pueblas*, in that they established a society within a society, analogous to the *dhimmī* populations of Jews and Christians within Islam. That vital difference from the usual *carta puebla* makes it reasonable to call these Mudejar documents in their military context surrender constitutions. Játiva had not lost its military and sovereign nature until the 1244 treaty. Perhaps only with its extrusion from the inner city now in 1252, and

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[15] Burns, "A Lost Crusade," 446-447, doc. 9 (22 March 1250); 447-448, doc. 10 (28 March 1250). The datelines in the *Itinerari* of Miret i Sans place the king at Játiva in January and March 1252 but have nothing pertinent for 1251 or 1253.

[16] Arxiu de la Corona d'Aragó, Butlles Papals, Innocent IV, leg. 12, núm. 66 (1 February 1252): "commutandi huiusmodi promissiones et vota, et dispensandi super hiis cum rege predicto."

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the flight of its officials and notables to Montesa or in many cases to North Africa, did it need a reassuring multiplication of guarantees.

Coming less than a decade after the 1244 treaty, this 1252 agreement can tell us much about that generation of Játiva's Muslims and their society. The original, as well as confirmation copies in 1289 and 1337, are lost, though at least two fifteenth-century copies exist in the crown archives at Valencia city. The notarial expertise and seal did not prevent many minor errors and omissions in recopying. The copy particularly followed here is dated 11 May 1479, taken from a copy on paper done at Játiva on 18 September 1380, itself taken from a copy of 27 June 1337 at Játiva, back through a confirmation of 27 January 1289 and a previous copy of 27 January 1278 at Valencia, to the original dated by the Incarnational calendar as 23 January of the leap year 1251, our modern 1252. A half-dozen published versions, from 1814 to 1976, have now been superseded by Enric Guinot's transcription of 1991. Guinot is cited here as dependable and accessible, but the actual manuscript of 1479 has been independently followed for close study.[17]

The placement of Játiva's Muslims outside the city walls is described by rough boundaries in the 1252 agreement. It may also be studied in the panoramic cityscape commissioned from the Flemish master Anton van den Wyngaerde by Philip II in mid-sixteenth century. Philip II himself described Játiva as "walled, with a large fortress and sumptuous buildings, populated by knights and wealthy nobles," with "three thousand houses in the city proper and three thousand more in its outlying villages," boasting ten monasteries, two hospitals, and schools of higher learning "with chairs of grammar, arts, and theology"—in all, a monumental city. The Muslim population, by that century "Morisco" or putatively Christian, had declined catastrophically since the mid-thirteenth century, and would be expelled en masse only fifty years after Wyngaerde's painting. The disposition of the Muslim quarter, its layout and relative size, are all clear. The

[17] Arxiu del Regne de València, Reial Cancelleria, t. 658, fols. 15 ff., previously part of the Archivo de la Bailía General, Real Patrimonio, lib. 1. See other late copies there in t. 611, fols. 275-276 and t. 1533, fol. 8. Enric Guinot, *Cartes de poblament valencianes*, pp. 247-250, doc. 96 (23 January 1252). Other published versions include Huici/Cabanes, *Documentos*, III, 53, doc. 587; Fernández y González, *Mudejares de Castilla*, pp. 324-327, doc. 24, and Janer, *Moriscos*, pp. 199-202, doc. 18. Agustí Ventura published a Catalan translation, "Privilegi de població otorgat pel rei En Jaume als serraïns pobladors del raval de Xàtiva, gener de 1251," *Xàtiva: Fira d'agost 1979*, pp. 85-88. See also Burns, *Islam under the Crusaders*, ch. 6 on "Surrender Terms: Universality and Pattern."

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main town runs along the base of the ridge supporting the castle, from left to right in the picture's foreground. The Muslim quarter continues the city further to the right, separated by the city's west wall and appearing about a fourth or fifth the size of the city itself. At the expulsion Játiva and its countryside would send 4,000 Moriscos away, the larger part from the countryside.[18] A quaint drawing from the eighteenth century, of the devastated remnant renamed the city of San Felipe, clearly shows the now Christian suburb, still about a fourth the size of the city itself. In her study of the development of Játiva's Mudejar community, Isabel O'Connor notes that two suburbs constituted it, a "main" extramural neighborhood visible in documentation by 1262 and today called Les Barreres at the city's west, with a conjoined smaller neighborhood further west called today Sant Joan de la Moreria.[19]

Even in the late thirteenth century, but especially in the war-torn fourteenth, the Muslim population of Játiva had suffered decline. In 1252 when the Mudejar constitution was promulgated, the city already had lost enough of the Mudejar elite strata to disconcert Muslim commentators and to support King James's boast of expulsion. It was still the major Mudejar center, however, a source of both wealth and worry to the crown. The king's constitution of 1252 allows a glimpse of that community. The constitution or privilege opens by listing fourteen notables, presumably representing the major local lineages (the "Alfanequi" have three members here), along with "the entire community of Saracens present and future residing in the suburb of Játiva, and your successors in perpetuity." The names of the notables do not correspond to any in the 1244 treaty, since the *qā'id* and his colleagues had already decamped to the modest splendors of Montesa castle.

The series of scribes intervening between the original and the surviving copies has been particularly clumsy in transcribing the names, and modern paleographers have not read the results uniformly. Two scribal readings, one in parentheses, yield: Jahia Almehis (Jahie Almohim), Abuiafar Algaccel (Abmafar Algatzel), Abuiafar Almiquineti (Abmafar Almuqumeti), Abdalla Exanbra (Abdalla Exambra), and Jahie Abenraha (Jahix Abenraha). These five persons seem to

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[18] Kagan/Wyngaerde, *Spanish Cities*, itinerary 2: 13, pp. 208-212. See too the commentary and auxiliary graphics in Rosselló et al., *Vistes valencianes*, chaps. 5 and 6 on Játiva. For O'Connor see below, note 26.

[19] Bernardo Espinalt, *Atlante español, ó descripcion general de todo el reyno de España*, section *Reyno de Valencia*, 3 vols. [Madrid: 1786] (Valencia: 1988), II, facing p. 1.

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be, in Arabic: Yaḥyá ibn Milḥān of Játiva's Banū Milḥān, Abū Ja'far al-Ghazzāl, Abū Ja'far al-Miknāsī, 'Abd Allāh al-Shāṭibī, and Yaḥyá ibn al-Raḥa. (The identifying *nisbah* al-Miknāsī, the Latin scribe's Almiquineti, relates to Mequinenza near Lérida, whose appropriate Arabic is Miknāsah, yielding the form of al-Miknāsī.) It is reassuring to see that these same two sets of scribal readings agree substantially on the other nine names: Abutinum Abudarecha, Abdalla Alfanequi, Ali Alfanequi, Abuçach, and Abusach Alfanequi, Mahomat Abuezebit, Galip Adaroez, Mahomat Abbacar, Abdalla Alcaçes, Mahomet (sic) Abdoluzet and Abdulucet. Earlier transcribers in print such as Ambrosio Huici and Francisco Fernández y González introduced misreadings of their own here, though rarely enough, notably Almafar and Abinafar for the Abuiafar (Abmafar) item and Abnecezebit for our Abuezebit. These nine names may also be constructed back into their Arabic originals. The first double name must be Abū Tīnah (ibn) Abū Duraykh, though it may divide as two persons, Abū Tīnah and Abū Duraykh. The three "Alfanequi" members each bear the identifying *nisbah* al-Khandaqī, al-Khandaq being the Arabic name for the later Christian Alfandech (today Valldigna). Thus the three names issue as 'Abd Allāh al-Khandaqī, 'Alī al-Khandaqī, and Abū Isḥāq al-Khandaqī. Next in the list are Muḥammad Abū Thābit, Ghālib 'Abd al-Ra'īs, Muḥammad Abū Bakr, 'Abd Allāh al-Qashīsh (?), and Muḥammad 'Abd al-Bāsiṭ.[20]

More names from Játiva of the conquest period turn up in the *Repartiment* land grants of 1248 and 1249. Hubecar Aveneyça, losing an estate, would be the *qā'id* Abū Bakr Ibn 'Īsá. Other officials include the *faqīh* Abū Qāsim (alphaqui Albocaçim), the *mushrif* Ibn Qays (almoxarif Abenaist), the *qā'id* of Jativan Albaida 'Alī al-Qūṣī (Hali Alcuxo), the vizier Ibn Ḥarām (Abenyarran), the owner of an estate awarded to the ex-*wālī* Abū Zayd named Ibn Ghālib Ibn Baḥshal (Abenpexella), an unnamed "uncle of the *qā'id* of Jativa." Other losers of property had such names as Ibn al-'Azīz (Abenhalaza), and 'Abd al-Mājid (Abdolmagi). One name echoes the al-Khandaqī family from Alfandech in the 1252 charter, but he is getting property from the king—"Abdela Alfanech" or 'Abd Allāh al-Khandaqī. The householder Muḥammad "Alcanaci" might translate as al-Qanāzi'ī; but if the second Latin *c* is hard, as can happen in these charters, he more plausibly is yet another al-Khandaqī.

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[20] Reconstructions of these names in Burns, *Islam under the Crusaders,* in 1973 (pp. 409-412) underwent some changes when revised for the Catalan edition *Islam sota els croats* (Valencia: 1991) and are further modified here. Professor Chevedden's suggestions have been invaluable in this process.

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Treaty Terms, 1252

The king's charter starts by bounding the Muslim quarter according to the suburban walls, two fig-orchards, the hillside, and the main or lateral east-west street of Játiva, from the wall of the *fovea*[21] (Catalan hollow or hole) to the wall of the *sharīʿah* or *muṣallá* (assembly esplanade). The houses here have already been assigned by Eximeno Pérez de Arenós, the king's lieutenant for the kingdom and a person acceptable to Mudejars for his relationship to Abū Zayd via marriage of their children. The crown retains the higher administration and the profits of the butchery, baths, bakeries, dye works and shops. The community can elect and install its *qāḍī* to decide all its cases, and can replace him if unsatisfactory. The *qāḍī* is to operate in conjunction with the *ṣāḥib al-madīnah*, the *amīn*, and the sheikhs. Appeals go to the king, or to another *qāḍī* if their law allows.

No Muslim rural person (*rusticus*) resident in the surrounding villages can testify against a town Muslim, except where Islamic custom (here as *sunnah*) might allow it. Mosques and cemeteries are guaranteed, with a *ṣāḥib-al-ṣalāt* stratum to teach "your children and young men" and to preach in the mosques. Governance is by the *qāḍī* and four prefects (sing. *muqaddam*); the latter will guard and maintain the community's persons, goods, and rights. The king or his lieutenant can choose the *amīn* for collecting crown taxes and the *ṣāḥib al-madīnah* for criminal justice (except in homicide cases). The latter appoints at the *ṣāḥib al-shurṭah* level, for executing justice. Arrests and the prison belong to the community; the *ṣāḥib al-madīnah* is responsible for the prison, receiving a tenth of fines as salary. No Christian can enter a Muslim home to recover pledges (collateral, securities) except with the *amīn*. If a Christian brings charges against a Muslim, the *ṣāḥib al-madīnah* is to do judgment and only according to the *sunnah*. If a Muslim kills a Muslim, the king's court hears the case; and uninvolved Muslims are then to suffer no loss. No Jew can ever serve as bailiff or as a collector of crown revenues here. A Christian may never live among them. If any Muslim gives lodging to a Christian, he will be fined five sous. No Christian irrigation officer may enter Muslim houses or farms on water business unless accompanied by a Muslim of the suburb. No Jew or Christian may operate baths or bakeries. Any Muslim can buy buildings, farms, or property from

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[21] Guinot, *Cartes de poblament*, reads *fouce*. My fifteenth-century MS has *de pariete foncs*. Since the scribes had trouble here, the word must be taken as paleographically ambiguous. On the several officials in this paragraph consult Burns, *Islam under the Crusaders*, index.

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anyone; he can sell them only to Muslims of like status and not to Christians.

All Muslims here are exempt from taxes, fees, or tribute for two full years (except Muslims involved in murder, theft, or rape). A Muslim coming here to settle, and staying one or more years, may leave after paying as exit fee one besant. Slaves fleeing here may be recovered by their owners, but without penalty for those helping or housing them. No tariff or commercial tax need be paid on slaves Muslims purchase or ransom, so long as the slaves live in the quarter. No gate is to be opened that faces onto the town's main or east-west lateral street (thus discouraging through traffic with the Christian sector). Converts to Christianity may keep their movables; their real property is lost to the king, who must distribute it only to Muslims. Every Muslim resident must give annually only one silver besant for his house, even if he uses three or four buildings as residence; this is the poll tax. Every year each Muslim shopkeeper must give a silver besant for each stall or butcher shop he operates. Craft masters making "pitchers, pots, tiles, and bricks," a specialty of the region, also pay an annual besant to the crown.

For each head of stock killed (ram, ewe, he-goat, or she-goat) a Muslim pays the crown three halfpennies, and for each ox or cow six pennies. From all farm produce and profits a Muslim pays the crown a tenth, vegetables excepted. The Muslim may buy wheat, barley, millet, or any grain just like the Christian residents. There is no fee for wine held or bought in his house, a significant item in al-Andalus. Any Muslim merchant may come with his goods and merchandise safe and secure, paying the usual commercial fees. There will be a weekly market every Friday in the plaza of Sant Miquel. Commercial use of plazas is free. Every resident may travel free of tariff or transient tax on his person. Single women found pregnant must pay the crown five sous as morality fine; a putative father denying responsibility (if he can be inculpated) pays twenty sous. Finally, every resident is taken under crown protection and passport forever throughout "all Our jurisdiction, to go, return, or stay, on land or sea or fresh water." And all crown officials must protect them.[22]

The items, somewhat rearranged here, appear in the original in a less coherent rush, as though one or another were an afterthought.

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[22] On this protection see R. I. Burns, "The *Guidaticum* Safe-Conduct in Medieval Arago-Catalonia: A Mini-Institution for Muslims, Christians and Jews," *Medieval Encounters: Jewish, Christian and Muslim Culture in Confluence and Dialogue* (E. J. Brill), I (1995), 51-113.

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The pregnant unmarried women, and the exclusion of Christians and Jews, reflect strong Muslim sensibilities. (In Valencia city Christians mixed into the Mudejar quarter.) As always, the tax schedule received close attention, being both negotiable and of intense practical interest. As comparative studies of such Mudejar constitutions show, unexpressed major elements such as the mosque-supporting properties *(waqf)* were nevertheless guaranteed. Such constitutions were a representative selection of rights and duties, as important to clarify for the Muslims as for the Christian overlords. A customary understanding of the common *dhimmah*-type status would have interpreted the details. And the *sunnah* referred to here is a code word for the rich religio-social traditions, koranic or otherwise, already rooted.

A compendium of such legal traditions has recently come to light, in 366 short chapters, done in 1408 and apparently in the Játiva region. The treatise is in Catalan, whether for the Christian administrators or because acculturation had weakened that late generation's general use of Arabic here. Law and custom tend to be resolutely conservative, so it is likely that this code's provisions reflect the socio-legal structure prevailing 150 years previously among Játiva's Muslims when they were negotiating their Mudejar constitution. Civil and criminal jurisprudence are fully represented in their ample range. Among crimes the treatise deals with every kind of killing and wounding, rape, abortion, theft, slander, homosexuality, insults, cutting down another's tree, brawling, adultery, conducting a tavern, and being a corrupt *qāḍī*. Killing a Christian and killing an atheist are separately discussed. Speaking evil of Muḥammad, Christ, the Virgin, the prophets, or the saints is a crime, as is speaking badly of the Christian lord. The code instructs the Muslim how to pray and live, and covers alms, fasting, washing, pilgrimage, and oaths. It instructs in court procedures, jurisprudence, and prison.

It also takes up the role of women and widows, when and whom a Muslim can marry, the very tangled matter of last wills and inheritance, the range of business contracts, loans, and debts, and particularities such as plural wives, the division of treasure trove, making charters in Arabic, and adjustments to the demands of the Christian *Furs* of Valencia. It even has instructive cases. A Muslim of Játiva travels to Alcira, while a Muslim of Alcira travels to Játiva; when the two meet, the Jativan insults the Alciran and picks up a stone, the Alciran then draws a dagger and, in the presence of a Muslim and a Christian witness, fatally stabs the Jativan, who cries out "He is killing me." The text would free the killer as defending himself; but the Jativan's cry before witnesses changes the situation and brings down a whipping on the Alciran. When scholars have explored the riches of

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this find, and appropriate comparative studies have deepened our understanding of it, the code may reveal much about the inner life of Mudejar society at Játiva.[23]

Montesa Epilog, 1276 - 1278

Life went forward at Mudejar Játiva in succeeding centuries. The fall of its dynasty at the castle of Montesa, in a major papal crusade to subdue the greatest of Valencia's Mudejar revolts in 1276-1278, might be considered the true surrender of Játiva's Muslim community in its essential structure. I have reconstructed the epic last days of Játiva's Banū ʿĪsá in a previous book. Here a paragraph must suffice. After regaling the *qā'id* of Montesa-Játiva with revenues, lands, and gifts in 1257, 1259, and 1260, King James somehow recovered Vallada and in 1273 demanded the surrender of Montesa castle itself. Muslim evasion, procrastination, and refusal only roused stronger pressures, leading to a decisive order in March 1275. The Banū ʿĪsá played the Castilian card one last time, through intervention by Castile's Mudejar vizier, at Murcia, gaining postponement until 1277, by which time King James was so embroiled in the massive Mudejar revolt-cum-invasion that he lost sight of the Montesa problem. When James died in the midst of battles, the Banū ʿĪsá had survived for a third of a century under the Conqueror's rule as a military feudatory.

The new king Peter the Great warned his barons about "the *qā'id* and the Saracens of Montesa" breaking "the pacts and agreements they have with us." In April 1277 Peter set up headquarters at Játiva for the coming half year and intensively besieged Montesa. By "the war We are waging with Montesa," now proclaimed by Pope Gregory X as a formal crusade, Peter finally conquered the stronghold on 29 September 1278. A negotiated victory allowed the *qā'id* and his household to "leave the kingdom of Valencia and go to any lands they choose." As at the fall of Valencia city itself, there would have been no proper treaty this time but a surrender at mercy, with

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[23] C. M. Barceló Torres, ed., *Un tratado catalan medieval de derecho islámico: el Llibre de la çuna e xara dels moros* (Córdoba: 1989), especially Jativan case in no. 316. The only similar extensive survivals in Spain have been the Castilian "Leyes de moros del siglo XIV" and the "Suma de los principales mandamientos" by Segovia's *faqīh* Içe de Gebir in 1462. See Pascual de Gayangos, ed., "Tratados de legislación musulmana," *Memorial histórico español: colección de documentos, opusculos y antigüedades*, 48 vols. (Madrid: 1851-1918), V, part 2, pp. 428-448.

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the usual rituals of paperwork and safeguards. The *qā'id* would not leave the kingdom for eight more months.[24]

A quarter-century later, when Christendom suppressed the Knights Templar, James II reorganized the Templar assets in his realms; in 1317 he formed their personnel into a substitute Order centered on the strategic castle formerly held by the *qā'id* and called them the Knights of Montesa. If Játiva city and its double castle had "fallen" by stages, of which 1244 and 1248 may be the crucial episodes, the Jativan elites and society clung in appreciable numbers at Montesa around their castellated dynasty. They did not go under until 1278 and then only after a convulsive rallying of Christian forces from the Pyrenees to Valencia city.

The Mudejar community remaining peacefully at Játiva city was to experience a final disastrous fall, characteristically a series of military blows that cumulatively reduced it to nearly zero. This time the culprits were mostly Muslim colleagues. A decade after the Montesa crusade, a cavalry raid in force out of Islamic Granada reached Játiva and took most of its Muslims back with them as they retreated. For their part, the Christians then sacked the Játiva Muslim quarter, while Muslim survivors fled. This descent into the grave, however, led to a resurrection. The crown, alarmed by the loss of productive Mudejar populations at Játiva and other Valencian towns hit by Granadan raiders, moved immediately to resettle and reassure Játiva's Muslims. Houses were redistributed, loans made, taxes exempted, and a campaign of punishment against the Christian rioters systematically maintained.[25]

Feeling ran high among local Christians and Muslims on this dangerous frontier, however, with serious episodes of collaboration and sympathy by the Mudejars toward Granadan raiders and fierce episodes of accusation and ill-treatment by Jativan Christians. Despite all, or perhaps precisely because Játiva stood in the eye of the storm, Mudejars increased their numbers until it became and remained the most populous Mudejar center in Valencia into the sixteenth century. Scholars are currently recovering this fascinating narrative in Arago-

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[24] Burns, *Islam under the Crusaders*, pp. 344-352; "si alcaidus et sarraceni de Montesia non frangerent nobis pacta et conveniencias quas habebant nobiscum, quod debebant nobis redere dictum castrum" (p. 348); "guerra quam habemus cum Muntesia" (p. 349); "exire de regno Valencie et ire ad quascumque partes voluerint," a total of thirteen persons, presumably with their servitors. Ferran Soldevila, *Pere el Gran*, IV, 48-51, 90.

[25] Maria Teresa Ferrer i Mallol, "La moreria de Xàtiva (segles XIV-XV)," in *Xàtiva: els Borja, una projecció europea* (Játiva: 1995), pp. 189-191.

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Catalonia's pluralist society. M.T. Ferrer i Mallol has assembled many archival fragments that mirror this Mudejar world, and Isabel Bonet O'Connor has just finished a comprehensive dissertation on the Mudejars of Játiva from the treaty of 1244 down to 1327.[26]

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[26] Isabel Bonet O'Connor, "The Mudejars of Játiva, 1240-1327" (Ph.D. diss., University of California at Los Angeles, 1998); and see her "En busca d'una minoria perduda: notícies sobre els mudéjars de Xàtiva," *Sharq al-Andalus*, XII (1995), 67-84. In Ferrer Mallol's series of documentary and analytic volumes on fourteenth-century Valencian Mudejars, see for example *Els sarraïns de la corona catalano-aragonesa en el segle XIV: segregació i discriminació* (Barcelona: 1987), index s.v. "Xàtiva."

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CHAPTER SEVEN

THE TREATY OF 1244 REDISCOVERED: THE LATIN TEXT

Archival "finds" usually mean that someone has recognized and appreciated the meaning of a previously unconsidered item. The present charter had once been entered into the king's medieval archives, its character described in a sentence on its dorse. As a loose freestanding item, it was then effectively lost and uncatalogued. As Carlos Sarthou Carreres lamented in his history of Játiva, this was "a precious document, unhappily lost for our history" ("preciado documento, desgraciadamente perdido para nuestra historia").[1] The loss came very early. Probably so important a treaty had been sequestered from the very beginning, like the treaties King James kept at the Hospitaller monastery of Sigena.

Lost, With Clues

Even the sixteenth-century annalist Jerónimo Zurita, who searched the archives of Catalonia and Aragon for his history which remains today fundamental to the region's historiography, never encountered a trace of the charter, though the king's memoirs gave ample proof that it once existed. Subsequent generations of researchers, particularly the many studying the reign of Arago-Catalonia's greatest sovereign, James the Conqueror, never cite or even notice it. During the spirited nineteenth and twentieth-century debates on the date of Játiva's conquest, no one was aware of the survival of the treaty. Joaquim Miret i Sans, an indefatigable ransacker of King James's archives, examined every available charter left by James for the day-by-day record of his itinerary, assembling the results in a massive work published in 1918. He never came across the treaty. The vicissitudes of war and civil strife visit all manner of derangement upon archives, and Barcelona's palace archives had been no exception.[2]

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[1] *Datos de Játiva*, p. 71. Cf. his *Castillos de Játiva*, p. 51: "lamentable desgracia fué la pérdida (quizá para siempre, como otros valiosos diplomas)."

[2] Miret i Sans, *Itinerari*, docs. of 1244, pp. 165-170. Zurita, *Anales*, lib. III, c. 44; he was named official chronicler of the realms of Aragon in 1548, and all crown officials and archivists were ordered to supply any documents he might request, as he then so famously did request.

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In the dusty recesses of the archives, paradoxically, the document had been noted by ancient cataloguers but indifferently shunted aside. The inventory by Pere Macip, drawn between 1581 and 1590, describes it as: "Item: another, titled charter of a treaty made between the lord king James the elder [*anticum*] and the Saracens of the castle of Játiva at the time of the conquest, done on the nones of June." Since Macip was simply copying the early-modern title, still on the parchment's dorse today, he is a witness to an even earlier cataloguing than his own. Macip added: "the year cannot be read by reason of deterioration." In the early eighteenth century another inventory noted that in armoire 29, the third for Valencia, in sack O, parchment 82, lay "a writing done in Chatiba on the nones of June: the year cannot be read by reason of mistreatment, and it seems to be the treaty that the lord king Don Jaime the First made with the Saracens of Chatiba." It is unclear whether this second notice was merely copied from the earlier inventory by Macip. When the crown parchments were seriously reorganizing in the nineteenth century, this item was set aside uncatalogued, along with twenty-six others, as being too ruined and illegible to comprehend. Not included among the thousands of more decipherable parchments, it was effectively gone.

Routine sifting and processing finally turned it up in 1991, when the archivist Alberto Torra restored it to the ranks of the living.[3] At that time the director of the crown archives Rafael Conde y Delgado de Molina, recognizing its unique value and aware of the recent work on the al-Azraq treaty by Robert Burns and Paul Chevedden, called it to the attention of those two for effecting an appropriate critical edition. They in turn made a preliminary presentation at the annual conference of the Middle East Studies Association in 1992 in a special program at the Portland Art Museum in Oregon. The two were then invited to make a more advanced presentation at the University of Valencia on 25 October 1995 as part of the seven hundred and fiftieth anniversary of the close of the Valencian crusade. Though the

[3] Alberto Torrá, letter to the authors of 9 November 1993. The treaty is now located in Barcelona's Arxiu de la Corona d'Aragó (Arch. Crown), among the Pergamins de Jaume I, apèndix, 41, with 36 other documents. Macip's manuscript catalogue has: "Item, altera intit. carta conventionis habita inter dominum regem Iacobum anticum et Sarracenos castri Xative tempore conquiste, actum nonis iunii," with the note: "no·s pot llegir l'any per star gastat." The eighteenth-century inventory adds the note: "Escritura hecha en Chatiba en las nonas de junio; no se puede leer el año por estar maltratada, y parece ser la conveniencia que el señor rey D. Jayme primero hizo con el sarraceno de Chatiba."

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treaty is today so singular and almost isolated, it is important to remember that it had once formed part of a considerable corpus of such treaties and truces in the thirteenth century, including an Arabic treaty drawn for the king and the *qā'id* Muḥammad "for the castles of Tárbena and others" in Valencia in 1268,[4] and a truce that same year with the Muslim ruler of Ceuta.[5] Beyond our treaty's intrinsic value therefore, it is representative also of a genre of chancery production in the thirteenth century now lost to us.

The Physical Artifact

Unlike the al-Azraq treaty, the Játiva treaty of 1244 is on paper, unusual for treaties in contemporary Christian practice but not at all unprecedented in James's formal dealings with Muslims. Paper seems particularly appropriate here, since Játiva had long been the premier paper manufactory in al-Andalus, internationally famous for its quality. The charter survives in fragmentary form. Its present uneven appearance is due to the disappearance of portions of the document and extensive deterioration over the centuries. The charter appears to have separated into two or more sections along fold lines. Once this original dismemberment occurred, our surviving portion was subjected to further ravages by wear and water damage that reduced it to its present state: a crude L-shape with uneven widths.

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[4] Arch. Crown, Cancelleria, Jaume I, reg. canc. 15, fol. 87 v: "Quarto kalendas Aprilis apportavit Nastruc [= En Astruc] Iudeus quandam cartam morescam ad scribaniam, quam dicebat se scripsisse mandato domini regis, in qua continebantur pacta et convenciones que erant inter dominum regem et alcayt Mafumet super castris de Tarb[en]a et aliis que tenebat dictus alcaidus. Et fuit sigillata cum sigillo copato et erat scripta in papiro, et mandavit eam dari et fuit sibi tradita." Undated, it follows a charter dated the fourth kalends of April 1267, or March 29; following it is a charter of sixth kalends of March 1267, or in the Incarnational calender then in use in Valencia 24 March (1267) 1268; the king's itinerary clarifies this stay, whether at Alcira or Valencia city, as definitely 1268.

[5] Arch. Crown, ibid., fol. 130 v (4 January 1268): "Don Jaymes por la gracia de dios rey d'Aragon etc. a vos [*deleted*: almoxerifo] \ alf[a]qui Abu Alcaçim ibn Abu Bacr Alaçafi senyor / de Cepta, saludes e amor. Femos vos saber que el noble rey de Castela nos rogo que vos diessemos treugua que negun mal no vos lexamos fer a nostres homnes, en nos por amor del dito rey de Castella damos vos la dita tregua \ mentre que el toviere por bien / assi que nos ni nostros homnes no faremos mal a rey de lo vestro. Datum [*deleted*: VIII idus] \ Valencie, II nonas / [Februarii] Ianuarii, anno domini MCCLX octavo. Apoca fuit ut hoc est emendatum." The "February" here bracketed was meant to be deleted with the previous deletion; elements between slashes are additions above a line.

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Our fragment embodies a substantial part of the original charter and provides evidence for a reconstruction of the physical document. Part of the original bottom edge of the document is preserved, stretching for 29.8 centimeters. Ruled lines that guide the layout of the bilingual texts begin a centimeter above this edge. Twenty-nine lines, spaced at 1.2 to 1.3 centimeter-intervals from left to right, extend across a surface that now reaches a height of 37.2 centimeters. Three distinct fold lines are observable on the surface, one vertical and two horizontal. The vertical fold begins 21 centimeters from the left side at line sixteen (numbered from the top). Assuming that this fold was halfway between the two sides, the original width of the document came to some 42 centimeters. The first horizontal fold line is just 3.7 centimeters from the bottom edge. The second is 16.5 centimeters above the first near the middle of our fragment at line fourteen. The present top of our fragment represents another fold line of the charter. A section above this fold line has broken away and been lost. Lost too are the middle and upper portions of the right side of the document that once extended beyond the vertical fold line. More than half of the lower right side remains, giving the document its L-shaped appearance.

The document is horribly worn along its right and left sides, leaving its width uneven: maximum width, 33.2 centimeters at line twenty-one; minimum width, 19 centimeters at line fourteen. A badly repaired tear on the upper left side of the document has created a fissure in the paper that runs all the way to line five. A second vertical tear is visible to the right of the first. This tear extends some 3.5 centimeters down the page to a point where it branches off in two directions, resembling the courses of converging rivers on the dorse side of the page. From the bifurcation point on, the tear is intermittent with only some sections of the page worn through. Just above line six, for example, the tear expands to form a small hole seen above the *nūn* of *yujbarūna*. Wear to other portions of the document has left small rips or tiny holes.

The content of the bilingual text plunges *in medias res*, since the top segment of the document has been detached and lost. The surviving lines of both texts are irrecoverable at each side, namely at the beginning and ending of each line, because of the loss of most of the right half of the document and frayed edges on both sides. The paleographical task has been made more difficult still by a general blackening and a purplish cast, resulting from water damage, decomposition of the paper fibers, and probably ink spread or bleeding. Recovery of obscured bits of text has been aided by the use of an ultraviolet lamp. Enough remains of the two texts to show the context

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or general drift of the charter's provisions as well as significant details.

Two sets of four lozenge-shaped holes are positioned along the bottom of the document. These holes originally supported the seals of the king and the queen. Both sets are intersected by the horizontal fold line at the bottom of the charter, indicating that the document was doubled over here to provide greater support for the seals. After this first fold was executed and the seals attached, the lower portion of the charter was folded upward, covering 16.5 centimeters of the document's midsection. The upper portion of the document (now lost) was then folded over the paired middle and lower sections. With these folds the charter was reduced in height to 17 centimeters. When the two sides of the charter were folded over along the vertical crease, the document took the compact shape of some 17 centimeters by 21 centimeters.

Although the original width of the document can be estimated with some degree of certainty by doubling the length of the left side, the original height cannot be accurately determined. The vanished top portion, when folded down, may have completely covered the folded lower sections. If so, the document would have reached some 54 centimeters in height. But there is no certainty that the entire surface of the top portion would have been taken up with text. A wide margin may have bordered the top, or the first line of both texts may have been inscribed in large, thick letters filling up a wide space. Alternatively, the top portion may not have entirely covered the folded lower portions. It may have come down only halfway; if so, the charter would have reached some 46 centimeters in height. Whatever the case, the height of the original document may not help to determine the original lengths of the bilingual texts of this charter. This question is of vital importance if we are to ascertain just what proportion of the content of these texts has survived. To answer this question we must first establish the content of the texts found on our fragment. This may provide an indication of the length of the section that is lost.

Both Arabic and Latin texts appear to begin at or near the onset of the articles of the treaty. The loss of half of the provisions of the treaty may be assumed, since the section that contained this part of the two texts is missing its right half. The Arabic text begins at the halfway point of each line, and the Latin text ends at the halfway point. Both texts are missing their introductory protocol. If our reconstruction of this portion of the Arabic text is correct (see chapter nine), this lost section need not have taken up more than three and a half lines of text. Line one would have accommodated the *basmalah* and *taṣliyah* with a blank space between these invocations. Line two would have

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provided sufficient room for the designation of the document, the mandating formula, and the name and titles of the mandator of the treaty. Line three would have been adequate for the name and titles of the mandatee of the treaty, and a half line (the missing right side of line one of our fragment) would have provided ample room for the clause beginning the main body of the Arabic text with the duration and date of the treaty's commencement. If these conjectures are correct, less than half of the Arabic text is preserved, since a single witness line does not adequately compensate for the loss of roughly three lines of text at the top. More Latin text is inscribed on the lower portion of the charter than is the case for the Arabic, counterbalancing the loss at the top. The portion preserved of the Latin text may approach half of the original in length.

The ruled lines drawn across the page from left to right are unusually prominent. These were laid out before any text was emplaced. The Arabic text occupies the first twelve lines. An Arabic witness list, beginning on the right at line eighteen and ending on the left on line seventeen, is especially conspicuous. The first eleven Latin lines of text are positioned interlinearly between the first twelve ruled lines on which the Arabic text is placed, suggesting the sequence as Arabic followed by Latin. Thereafter the Latin is laid out on the ruled lines. The sequence suggested by the notary's clause at the end of the treaty, that he had caused the agreement to be translated from Arabic to Latin, is confirmed by the layout of the texts. An analysis of the content of each text, however, confirms that neither text is a translation of the other. The ur-text for both was the terms brought from Játiva's leaders, as modified during the final acceptance by the king's advisors. The Arabic text then selected and embodied those elements of the accord that were most crucial to the Muslims, not omitting some elements of common interest to both peoples. The Latin text similarly would have emphasized those points basic to the Christians' interest, modeling their text somewhat on the genre of such surrenders in Latin. Thus the notary could honestly feel that he had "translated" or more exactly selected out a Christian counterpart of the Arabic text from the notes constituting the ur-text.

The Arabic script is standard Maghribian, discussed below in chapter nine. The Latin script is a documentary cursive once called Aragonese Gothic but more usually today Catalan, in its formal rather than hasty notarial guise. The Arabic is more prominent, as calligraphically more ebullient and larger than the restrained Latin script. Ostentation in the Latin is reserved to two columns of witness lists and the validating royal seals. Within the Latin text the scribe three times intrudes a Catalan word (two of Arabic provenance):

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magatzem, alcait, and *trullar.* The ink is unremarkable. It is standard black, actually a brownish black oxidized by time to a faded reddish brown. Contrast is weak against the now beige paper, and a universal darkening or mottling further obscures the script.[6]

The Seals. The Queen's Role

A note on the dorse identifies the missing seals as those of the king and his Hungarian queen, his collaborator in the surrender negotiations previously at Valencia city. The queen's seal, and her appearance in the Arabic text as *Dūnah Ī'ulīsh* (for Catalan Dona Yoles/Iolanth/Yolanda/Violant), supports James's own account of her participation in the 1244 treaty negotiations. The king not only notes her presence at an early stage of the Játiva siege but gives her the decisive role during the side negotiations with the future Alfonso X of Castile at Almirra and an equally decisive role in persuading James to accept the final terms of surrender proposed by the *qā'id* of Játiva. In that last episode, James records that he held his fateful conference over those final terms in "the houses" of the queen at the siege, that his inner circle of barons had insisted that she respond first and had then concurred in her opinion, and that this well-traveled Hungarian queen had advised James that Játiva's was "the handsomest and richest castle in the world that I or anyone has ever seen" and should therefore be accepted even under restrictive terms.

The inclusion of the queen's name in the Arabic text, transliterated from the Romance as *Dūnah Ī'ulīsh*, reveals two significant points about the queen. First, her role was not only consultative and proactive but also intrinsic to the treaty itself. Just like King James and his son and heir Peter, the queen too "bound" herself to implement this treaty. This strong woman, seen so often in the king's autobiography over a seventeen-year period, was the granddaughter of the Latin emperor of Constantinople and daughter of Hungary's crusading king Andrew II of the Árpád dynasty, the king who issued Hungary's Golden Bull and heroically held together his pluri-ethnic realms. Her baptismal name Andrea echoed her father's strong character, and her Catalan name Violant/Iolant/Yolanda would recur in her royal descendants.

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[6] On inks, scripts and calligraphy of King James's realms see Burns, *Society and Documentation*, ch. 10.

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The second notable point about the Arabic *Dūnah Ī'ulīsh* is that contemporary chroniclers as well as modern historians all report her name as Violant(e), her mother's name which had displaced the earlier Andrea. "Violant" herself always used the form (variant?) Yoles in official documents, and the Muslims of Játiva echo this usage in their treaty text. Thus her dowry arrangements of 1233 have "domna Yoles domicella filia illustris Andres regis Hungarie," as do the king's responding documents of 1235. King James's second will in 1241 uses Yoles nine times for his wife and once for his daughter the promised wife of Alfonso of Castile. The queen's own will of 1251 presents her as "Yoles regina Aragonum, Maioricarum et Valencie, comitissa Barchinone et Urgelli et domina Montispessulani," and she signs in the same fashion. Even Pope Innocent IV in 1251 addresses her by this name. The formal nature of these charters and their Latinate solemnity rule out vernacular deformations, and in any event her later royal namesakes favored Violant. The point, though small in itself, is one more reflection of the treaty's authenticity.[7]

The loss of seals on the document is unfortunate, particularly in the queen's case. King James's surviving seals are plentiful enough, over a broad chronological range. The Archivo Histórico Nacional in Madrid, for example, has forty-five of them. At Játiva in 1244 the king would have used his ceremonial Great Seal, depending from a yellow and red ribbon from an opening in the parchment. Madrid does have such an exemplar from 1244, its majestic or sovereign obverse showing a seated James in flowing robes and a crown, a sword of dominion lying across his lap and an orb in his elevated left hand. The reverse of the seal has James in equestrian pose with lance and a shield bearing the four blood-batons of Catalonia. No seal of Violant survives, but we do have the seal of the king's first wife Leonor of Castile in 1224 and for his son Peter's wife Constança in 1288. Both feature the crimson batons on a shield, with the queen's title. At a time when our two seals still remained attached to the Játiva charter, an archival note on the dorse described them respectively as "a bull of the king" and "a seal of the queen" (*bulla* and

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[7] James I, *Llibre dels feyts*, c. 335 (in James's entourage), caps. 343-344 (Alfonso requires her presence and acts through her), c. 348, and c. 353 (final negotiations on Játiva): "el pus bell castell és del món e el pus ric que jo anc veés ne null hom." For the name Yoles see Arch. Crown, Cancelleria, Jaume I, perg. 513 (10 kalends of March 1233), perg. 651 (3 ides of December 1235), and perg. 661 (10 kalends of January 1235) for dowry and counter-gift charters; perg. 867 (kalends of January [1241] 1242) for the king's will; and perg. 1264 (4 ides of October 1251), the will of Yoles. See also the king's land grant of 13 October 1263 in his reg. 12, fol. 122v. Yoles lived from 1216 to 1251 and married King James in 1235.

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sigillum). International paleographical parlance, standardized by the Commission Internationale de Diplomatique, defines a bull as a metal seal, usually of lead but sometimes of gold and rarely of silver. Did the archivist, centuries ago, mean to convey a more formal and impressive seal for the king and something more modest for the queen?[8]

Content: The Latin Text Clarified

The truncated Latin sentences, chopped off at either end of each line by loss or deterioration of the paper or from mottling, bear little relation to the items in the surviving Arabic text, either because the order of items differs in the two texts (with a number of elements in one that are missing from the other) or because each side merely included representative items to convey the common Mudejar privileges or situation. Still, a number of provisions are roughly similar in both texts.

No invocation, promulgation, mandating, titling, addressee, or salutation survives. Since a number of variants were available for the opening phrases, one can supply the missing parts largely by conjecture. Perhaps the closest exemplar at hand is the surrender arrangement between King James and the rebel Mudejars of the Vall de Uxó in northern Valencia in August 1250, where the single text had been in Arabic but survives only in an official fourteenth-century Catalan translation. It begins: "In the name of God, all compassionate and merciful, after prayer through our lord God upon all the apostles, this is an honorable privilege, mandated by our lord the king of Aragon, of Majorca, of Valencia, and count of Barcelona and Urgel, and lord of Montpellier, may God support him, granted to all the Moors of the Uxó Valley, whom he takes under his protection and who inhabit or come to settle in the Uxó Valley named above, and its towns and its

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[8] On seals in James's reign see Burns, *Society and Documentation*, ch. 13, and on local inks ch. 10, with full bibliographies. Exemplars for James and Constança are displayed in Araceli Guglieri Navarro, *Catálogo de sellos de la sección de sigilografía del Archivo Histórico Nacional*, 3 vols. (Madrid: 1974), especially I, 299, no. 406 with lam. 358. Seals of James and his first wife Leonor are detailed and illustrated in Ferran de Sagarra i de Siscar, *Sigil·lografia catalana: inventari, descripció i estudi dels segells de Catalunya*, 5 vols. (Barcelona: 1915-1932), especially I, nos. 26-28 and 151. See too Josep Trenchs i Òdena, "La aposición del sello real en los documentos de Jaime I: unas notas," *Medievalia* (Barcelona), X (1992), 446-449. The phrase on our manuscript's dorse is "Bulletur cum bulla regis et cum sigillo regine." See the *Vocabulaire international de la diplomatique*, ed. M. M. Cárcel Ortí (Valencia: 1994), nos. 502, 506.

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districts of the said Uxó Valley decided or assigned before the [rebel] Moors went from the land."[9]

The very first line surviving in the Játiva treaty, marked as line i in small romans, constitutes an enigma: most of the line is vacant, never having contained a text. To the left of this long space a Latin fragment can be discerned, presumably concluding a sentence begun on the now missing Latin line(s) above it. The fragment says simply <*faciat al...z*>. The space conveyed here by three dots signals a rip rather than a hole in the paper; the space and its missing letters therefore probably represent a smaller chasm than the present spread of the ripped paper might suggest, originally holding perhaps a single syllable. The line with its fragment raises two questions. Why does the line stand well along in the text while itself mostly empty of text? And what can the strange phrase mean? Formal Latin charters normally had no paragraphing, so the interruption by a long space cannot serve that purpose. The explanation may have more to do with the Latin scribe's placing of his message relative to the content of the corresponding Arabic just above. The scribe could see that much of the lower part of his paper would be empty of text, so that he distributed his text's opening clauses to march alongside the post-ceremonial opening content of the Arabic, stopping when he had covered the related clauses he meant to include as companion to that Arabic. The corresponding Arabic text in line 1 (Arabic numeral) deals with freedom to worship publicly and privately, with the mosques and mosque ritual, and in its missing bits presumably with cognate worship provisos.

Does the Latin fragment seem to relate to that content? A search for Latin or even substitute Catalan words of two syllables, beginning with *al* and ending in a paleographically clear *z*, does turn up a likely candidate. The surviving Latin Mudejar treaties at Tortosa in 1148 and at Eslida in 1242 guaranteed respectively the *alhobz* and the *alcopz* (as Latin plural *alcopzi*) of the mosques. This word is a Latin transliteration of Andalusī and North African Arabic *al-ḥabīs* (plural *ḥubus*) in its syncopated form *al-ḥubs* (plural *aḥbās*) for the *waqf* or endowment

[9] Guinot, *Cartes de poblament valencianes*, p. 225, doc. 84 (August 1250): "En nom de Déu tot piadós e misericordiós, oració feta per nostre Senyor Déu sobre tots los Apostols. Aquest és privilegi honrat, lo qual mana nostre senyor lo Rey de Aragó, de Mallorqua, de València, e comte de Barçalona e d'Urgell, e senyor de Monpesler, a qui Déu mantenga, atorgat a tots los moros de la Vall d'Uxò, los quals reebé, sots la sua fe, e que poblen e poblar facen la Vall de Uxò damunt nomenada e les sues alqueries, e los seus termens a la dita Vall de Uxò determenats o assignats ans que'ls moros isquessen de la terra." The Vall de Uxò (Catalan La Vall d'Uixò) is in northern Valencia, 25 kilometers south of the provincial capital Castellón de la Plana, just inland from the coast.

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properties supporting a mosque. (A superficially similar word does not fit our context: Catalan *alcaps* from Arabic *al-ḥabs*, appearing in Játiva's 1252 Latin Mudejar constitution as *alapz* and *alhapz*, for prison.) Such a guarantee of mosque properties was common in King James's Mudejar agreements, though usually phrased in circumlocutions rather than in the rare invented *alcopz*. This reconstruction plausibly explains the long empty space constituting most of that surviving line as well as the strange Latin fragment.

Line ii consists of the isolated phrases: "they are to surrender the castles of the district of the city of Játiva, or to his heir ruling in the city of Valencia, and he may do." This refers to King James and to his son Alfonso as lieutenant general of the Valencia kingdom. The word "city" here may be meaningful, as we shall see below. Line iii speaks of "care of their houses" and those of "the city or its neighborhoods or suburbs or any places"—again without further meaning. The Vall de Uxó treaty takes up these same two topics immediately after the long-winded opening formalities: the Muslims must give the castle to the king or his castellan "without delay," and "all the Moors" in all the places and towns are to be secure "in their houses and possessions." Thus the Uxó treaty clarifies the Játivan by paralleling it here in placement and subject matter.

Line iv refers to political succession: Abū Bakr is to rule "all the days of his life, and when he is dead his brother Ibn ʿUmar [will rule]; and when Ibn ʿUmar is dead, the *qāʾid* Abū al-Ḥusayn [will rule] as *qāʾid*." Is this Ibn ʿUmar the brother that the contemporary chronicler Bernat Desclot puts in charge of Játiva's minor castle but that some modern historians dismiss?[10] This proviso for a sequence of dynastic Mudejar governors is unique to Játiva, though parallels might be proposed from places like Mudejar Crevillente or al-Azraq's

[10] Desclot, *Llibre del rei En Pere*, c. 49: "al castell havia dos senyors qui eren germans, e tenia la un germà la un castell, e l'altre germà d'ell, l'altre castell." James has nothing about this co-governance or brothers, whereas Desclot's contemporary account makes the brothers central to Játiva's conquest. In Desclot King James persuaded the senior *qāʾid* to surrender without the junior brother's knowledge and then intimidated the latter's surrender by a show of force within the larger castle. Desclot adverts to the surrender charter we now have, in the phrase "and they drew up their charters and their agreements" or treaties (*covinents*). He has the Christian troops go up to the main castle in the evening to accept surrender and to run up the royal banners (*senyeres*) along the walls. The English translator F. L. Critchlow, in his *Chronicle of the Reign of King Pedro III of Aragon* (I, 139 n.) is skeptical of Desclot's account; but our treaty would seem to bear out the chronicle's tale of two brothers. Ferran Soldevila in his edition of the king's *Llibre dels feyts* notes that there is "cap rastre en el *Llibre* de la tradició dels dos germans, caduscun dels quals té un dels castells de Xàtiva," so that only Desclot has preserved this "tradition" (p. 334, c. 353, note 12).

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"lordship." Unlike Uxó or similar Mudejar centers, Játiva still kept its ruler, population, and army intact with only the appearance yet of subjection. Then too, there had been a *qā'id* for each of the two castles constituting Játiva and the fall of one may have required diplomatic restabilizing, relating the two brothers as ruler and heir.

Line v forbids "any Christian" from "having [a house?] in Játiva or in any places of this treaty," and from suing at law or operating [shops?]. The Uxó and Játiva treaties diverge here, owing to their respective circumstances. Uxó needed and got an amnesty for all acts of rebellion, a privilege not pertinent to Játiva's situation. In the same position of highest importance, Játiva places the exclusion of Christians from residence or shopkeeping, to preserve the Islamic autonomy in lifestyle and appearance. This proviso can be found in some other Mudejar constitutions, as will appear below, not as an absolute prohibition but as conditional on the community's approval, to control the Islamic atmosphere of a place. It would continue as a preoccupation not only of Mudejar communities but also of Christian authorities disturbed by domestic mingling of Muslims, converts from Islam, and Christians. The Uxó Valley charter for example in 1250 says: "no Christian or convert [*batejat*] may reside among them within their population without their consent, nor can We [the king] impose this nor [can] any one else in Our name in the kingdom of Valencia for all time." At Uxó that clause came nearly halfway through the text, whereas at Játiva it comes early, probably reflecting the much greater ethnic-cultural purity and Muslim political control at Játiva in 1244.

Line vi has a prohibition against opposition to the treaty (?); assurance is given that "Saracens are not obliged to go on army service, except against castles that are [in rebellion?]." (Line vi also starts with a fragment concerning the previous line: "against him; who opposes that, let the king do what he ought.") Though Mudejars were drafted into the king's army in times of general crisis, notably by extensive drafts throughout Valencia of 600 Mudejar crossbowmen to resist the French invasion of the realms in 1285, and though they routinely practiced tactical exercises for local defense, neither Muslim nor Christian liked the onerous service on the many army campaigns (the tax or service called *exercitus* or host) or on sporadic raids (the service of *cavalcata*). Christian lords and kings, for their part, were wary of Mudejar loyalty when opposing a Muslim army. Both Muslims in North Africa and Christians in Mediterranean Spain incorporated army units from each other's territory. King Peter hired light cavalry from North Africa, and even a combined army from Morocco and Tlemcen to fight the French in the 1285 French invasion of his

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realms. Arago-Catalan kings also leased military companies of Christians to Muslim rulers in North Africa. This army clause probably appeared to both Muslim and Christian at the Játiva negotiations as a tax or service exemption. The Uxó Valley charter put the Mudejars' relation to war both negatively and positively: "they cannot go to a place or places of war, nor can they give provisions of any kind or send anything to them, and they are to guard all Our land and all Our subjects [*vassalls*] well and loyally."[11]

Line vii deals with freedom of travel: "to the places where they want to go." The provision immediately following refers to the recovery of property and probably reflects the Mudejar war then raging: "and returning from their places when they go, let them recover their property." Freedom of movement was prized in surrender agreements and seems freely given. Though the Játiva fragment probably applies to persons displaced by the war or leaders who fled then, it must also have had a phrase guaranteeing wider movement. The Uxó Valley agreement follows that pattern: "they can go through all Our land and lordship on all their affairs without being hindered by any person" and are to enjoy formal crown protection (*guiatge*) forever.

Line viii concerns the quality of alien Muslim witnesses in local cases: "Saracens of another land, or coming from another custom, are not to be believed unless there be another of the other law and the witnesses be such that ..." Line ix refers to "this treaty" and "recovery" by Muslims of some element and payment of some tax. Line x is about justice. The phrasing is: "let a day be assigned him; and unless he comes on the assigned day, let the testimony ... be taken down." The Uxó Valley accord covers the judicial scene with more specifics: election of their own *qāḍī*, continuation of their irrigation court with its special process, and judgment by their own legal system (here as *sunnah*). The 1244 Játiva treaty's line distinguishing categories of Muslims in a juridical situation and the line on court procedure may not be peculiar to that document. Ample room would have been available on the Játiva page in its original unimpaired condition to add generalities covering the usual Mudejar autonomy at law. The setting of categories of witnesses in this 1244 treaty does recall a proviso in the 1252 Mudejar constitution for Játiva: "any rural Saracen resident in the villages, who is not a resident of the

[11] On military interchanges between Aragon and North Africa, and Mudejar military roles of the Mudejars, see Burns, *Islam under the Crusaders*, pp. 290-296. The Chivert charter of 1234 dispensed its Mudejars from offensive campaigns "against other Saracens or Christians" beyond the local district but did require the Mudejars to fight "any Saracens and Christians making any damage or attack or hurt to their castle or property" with full force "according to their power" (p. 290).

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aforesaid [Muslim] quarter, cannot give testimony against you, unless he is a person of such standing [*talis*] that, according to the *sunnah* of the Saracens, he is able to give testimony." The Latin adjective *rusticus* here, like Catalan *rústic*, mean a rough lower-class person or simply anyone from the countryside.

Line xi is commercial: "they will give them the revenues of the shopping quarter [*magatzem*] entirely; which revenues are in the customary constitution." Catalan *magatzem*, Castilian *almacén*, borrowed by the scribe to supplement the Latin, was a storehouse for merchandise or a store; its Arabic source was *makhzan*, which meant the public treasury later in Granada. If not here a complex of stores, could it simply mean the *makhzanī* or taxes due to the ruler? Pierre Guichard notes its frequent use in these parts as a modifier or descriptive to indicate revenues or properties belonging to the ruler's central administration, particularly to its fisc. This meaning would widely amplify the revenues under discussion here in the treaty. The Játiva terms, insofar as they are legible, do not reserve the *'ushr* notable in Islamic taxation and reflected as a tenth of agricultural produce in Mudejar charters.

Line 13 notes some tax exemptions: "Saracens will give nothing for the saltworks and olive presses; let them give nothing to the king for [*illegible*]." There were several saltworks in Valencia, including the coastal production at Peñíscola and the high mountain works at Arcos. The saltworks here would have been those at Castellón de Játiva (Villanueva de Castellón) and possibly as well those of coastal Calpe near Denia. In 1263 King James would order "each and every person of the kingdom of Valencia who lives from the Júcar River south, Christians as well as Jews, and Saracens as well as the subjects of knights, religious orders, clerics, the crown or of anyone else, to use the salt of the aforesaid saltworks and not any other salt." In 1270 James confirmed the monopoly of Játiva salt for all persons in the kingdom of Valencia from the Júcar down, including the custom that each individual "older than seven years" in that region must buy a measure (*barcella*) of this salt every year. Another exemption here in the Játiva treaty is the network of olive presses, a commonplace in the kingdom but doubtless more abundant in these rocky highlands. They were often water-mills and from 1283 in Valencia both tax free and often privately built as individuals chose.[12]

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[12] On the saltworks of Játiva and the Valencian kingdom see Burns, *Medieval Colonialism*, pp. 145-150, including the manuscripts transcribed. On oil presses see pp. 56-57 there. On the *makhzanī* revenues see Guichard, *Musulmans de Valence*, II, 289 and index s.v. *makhzen*.

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The Játiva charter diverges from the usual Mudejar charters by its disinterest in commerce and taxes. Most Mudejar communities, guaranteed in their administrative and religious autonomies, devoted serious space to gaining every tax advantage. The Mudejar communities differed from one another in their constitutional structure largely by their tax obligations and privileges as negotiated at the individual surrender. Uxó Valley took up such topics as buying wheat anywhere, receiving a year's exemption from taxes, distinguishing the vegetables and fruits grown for personal use as against commercial, guaranteeing grazing rights for domestic stock, and such particulars as mills, bees, chickens, figs, and fodder. All these provisions reflect Uxó's previous pre-rebellion treaty, in effect a confirmation of "lo lur privilegi antich." Játiva had no need for such scrutiny since the king was in no position to interfere so familiarly. At Játiva the king reserves shop rents and allows some token tax exemptions. No explicit notice at all is taken of Játiva's most famous industry, renowned around the Mediterranean, its manufacture and export of high quality paper.

Line 14 is ruined but probably begins the oath of the Christian party to the treaty. Only "Aragonese," "Alfonso" the son of King James, and "his successors" are visible at spaced intervals. Line 15 is cautionary: "they have sworn not ever to go against any of the prescriptions," presumably of this treaty. The line also contains the name "likewise the *qā'id* Abū Bakr." Line 16 decrees that "when he will assign in Valencia, they will not have houses [in Valencia city?]" The disjointed phrases that survive on the 1244 Játiva charter close with a date: "Given in the city of Játiva, June 5 [in] the year from the birth of the Lord 12[44]." Since the signing took place inside Játiva, unlike the surrenders outside the walls at Valencia city and al-Azraq's castle, it may have been at the palace given permanently to James there by the 1240 treaty. The month and day establish finally the conquest date, hitherto badly served by conjecture, the month of May having enjoyed favor up to now. The year is visible only in its first digits, with an ambiguous or possible closing "four" somewhat hinted, throwing us back on the extrinsic evidence of the dorse and on the ambiguities of the king's autobiography. The royal itinerary does help a little. Charter date lines put the king "in the siege of Játiva" and "in the army of Játiva" in late March and through May 22 (and on June 6 at Ondara) before falling silent.

A standard closing flourish records the royal mandate which "caused this charter to be translated from Arabic into Latin in the aforesaid place, day and year." The supervising scribe's name belongs with that statement and also his validating autograph signum or personal device elaborated around a cruciform symbol. Neither can be

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discerned now, though remnants of either would serve to identify the other. A plausible conjecture would make Guillelmonus, Catalan Guillemó, the missing crown notary. He performed this supervisory task so ubiquitously for the crown during the years around the time of the Játiva crisis that Miret i Sans in a rare moment of wry humor notes his signature yet again as "l'indispensable Guillemó."[13] Guillemó was present at the Játiva siege and indeed accompanied the king during the interlude of the quarrel with Castile, to supervise the treaty of Almirra.

In bilingual negotiations and documents like these the king's Jewish savants provided expertise in the appropriate Arabic language, rhetoric, and where necessary calligraphy. At the previous siege of Játiva, as the king recounts in his memoirs, the Jewish savant "Don Bahiel" played a prominent role in the final negotiations. The name is Judeo-Arabic Baḥya with Latinate diminutive, patriarch of the influential Alconstantini lineage; he had also helped arrange the surrender of Majorca as his brother Salamó would do for Minorca. Both brothers had the status of *ḥakīm* or Arabic savant (Catalan *alfaquim*). Unlike the previous siege of Játiva this 1244 episode saw Eximeno de Tovía moved to the center of the negotiations by the *qā'id* and his sheikhs, obscuring for us the traditional actions of the king's Arabophone Jews. Even if Tovía spoke Arabic, as his position in the Muslims' affections makes plausible, the Christian negotiators would have needed the more formal skills of the Judeo-Arabic section of their chancery.[14] Sometimes the Arabic bore the original Jewish scribe's attestation, as at the Vall de Uxó treaty with Muslim rebels, translated into Catalan. There the Jewish scribe closed the text, just above the signum of King James: "I wrote all the provisions recounted above under the said [Arabic] calendar date by order of the very high lord king (God save him!), Salamó Ibn al-Quitzen."[15]

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[13] Miret i Sans, *Itinerari*, p. 139.

[14] On Bahiel/Baḥya see Burns, *Muslims, Christians, and Jews*, pp. 160-161. *Llibre dels feyts*, caps. 74, 118, 325.

[15] Guinot, *Cartes de poblament valencianes*, p. 226, doc. 84 (August 1250): "Escriví totes les coses damunt nomenades en lo dit kalendari per manament del molt alt senyor rey a qui déu salvu, Salamó fill de Alquitzen." A Salamó Alquican, a Jew of Zaragoza, is in a charter of King James on 10 January (1279) 1280, perhaps this scribe.

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Contemporary Lost Arabic Treaties

Yet another surrender constitution written in Arabic only and surviving in a later translation into Catalan, is the pardon granted to the rebellious Mudejars of Buñol in Valencia in June 1254, with renewal of their original surrender terms. The presumably Jewish scribe begins it: "In the name of God, compassionate and pardoner, and of his holy ones." As specifics of its general provisions of autonomy, the charter covers security of the population as well as of transients in person and property just as in the time of the Muslims. It confirms "their religion ['Law'] in all its provisions" including "marriages and divorces," under their *qāḍī* and *amīn*; allows public preaching and prayers and schooling their children; and it protects the endowment supporting the mosques and religious activity. "And no Christian is to live among them against their will," nor can any Christian be a witness against a Muslim "except with a faithful and true Moor." Any of them can "go to the lands of the Moors," selling their properties. A tax of ten percent applies to agricultural products and fruit (but not olives), plus a tax on domestic livestock, a poll tax on households, and an *asoffra* (Arabic *sukhrah*) or provisioning service to the castle, without exceptions or exemption. The date is "the month of June, in the calendar of the Moors 652 years."[16]

Another helpful charter is the statement of "favor and security" given by James to the Muslims of Valencia's Sierra de Eslida on 29 May 1242, just two years before the Játiva treaty of 1244. It too was in both Arabic and Latin on alternate lines, of which only the Latin survives and only in two copies of the fifteenth century. Everything was to be "just as in the time of the Sarracens" except that the Muslims here "have placed themselves in his [James's] service and become his vassals." He extends his protection to all persons, properties, and possessions in all these towns; states their right to travel anywhere in his realms; guarantees their mosques, cemeteries, preaching, koranic schools, and mosque patrimony; approves their independent law system (including the inability of a Christian to witness against a Muslim unless supported by a Muslim witness); and sets up a tax of a tenth on most agricultural produce. The Muslims will be

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[16] Ibid., pp. 265-266, doc. 105 (June 1254): "En nombre de dios piadoso e perdonador e de sos sanctos"; "mantenguen lur ley en todos sus mandamientos, e encara en casamientos e en descasamientos, e en todas sus maneras"; "non more nengún christiano entre ellos, sens lur voluntat"; "el mes de junyo, Era de los moros DCLII anyos." Buñol is 40 kilometers inland from Valencia city and somewhat to the south.

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free of army service or service to the castle. Anyone can leave for Muslim lands without a fee, and any fugitives can return and reclaim their properties. "And Christians are not to live in their [Muslim] houses and properties unless the Saracens will wish it." Again, they are not to allow "Christians nor anyone of another religion [Jews] into their territory to reside there, without their consent." The points of contact with Játiva's treaty provisions are obvious; and some incomplete areas of that treaty may well be filled by recourse to this Eslida text.[17]

The later capitulation of Serra's Mudejar rebels on 15 February 1277, originally in Arabic but now surviving only as a later translation into Catalan, is short and businesslike. The Muslims must deliver the castle in six weeks on May 1, with the king keeping "ten of their best" meanwhile as hostages. The gifts from the king, usual on an occasion of surrender, are enumerated: 6,000 sous (a total of some twenty money fiefs in value), a horse, a mule, and clothing for eighty Muslims. The king would restore Muslim privileges, convoy to Montesa any Muslims desiring to remove to Islamic lands, and allow freedom to any Muslim slave who flees here. "And every convert [*bategat*] who has come here and has turned Muslim [again], if he wishes to betake himself to the land of the Moors" will be convoyed through Montesa; "if he remains in [this Christian] land, he is to remain as a Christian."[18] A variant of such surrender constitutions was drafted in Arabic and Latin by a Valencian baron on 28 May 1260 to attract Muslim settlers to his village of Tales. Only the Latin part exists today. Though it concedes the Muslim way of life and promises not to receive testimony against any of them by a Christian except with a supporting Muslim witness, the entire document focuses on details of taxes.[19]

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[17] Ibid., pp. 157-159, doc. 45 (29 May 1242): "qui miserunt se in servitutem suam et devenerunt vassallos suos ... sicut fuit consuetum tempore Sarracenorum"; "et non mittant christianos nec aliquem de alia lege in terminis suis causa habitandi, sine voluntate ipsorum"; "et christiani non hospitentur in domibus suis et hereditatibus nisi sarraceni voluerint." Eslida is in northern Valencia in the mountains inland from the coast, northwest of Vall de Uxó.

[18] Ibid., pp. 362-363, doc. 177 (15 February 1277): "X raenes dels malors sarraïns lurs"; "e tot bategat que sia vengut alí e sia tornat moro, si enar-se'n vol a terra de moros, que o pusca fer e el senyor re que'l fassa guiar tro a Muntesa; e si romania en la terra, que romangues crestià." Serra castle is in northwestern Valencia.

[19] Ibid., pp. 280-282, doc. 117 (28 May 1260). Tales is in northern Valencia just southwest of Onda and some 25 kilometers from the present provincial capital Castellón de la Plana.

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At the other extreme the long surrender document in double form at the conquest of the island of Minorca in 1231 concerned itself above all with the sovereignty of King James and the total submission of the Muslims, though it did not overlook more material elements. In its surviving form it is a double document in Latin, like James's later agreement with al-Azraq. The al-Azraq charter in its Romance portion consists of a letter or charter in the name of the Muslims, followed by a Romance text by the Christians, but with a separate and very different charter in Arabic. The Minorca treaty has lost its Arabic text, but has the same sort of mix of Muslim and Christian texts in Latin as a single Latinate instrument. The Muslim portion begins brusquely: "I the *faqīh* Abū ʿAbd Allāh b. Muḥammad, son of the *faqīh* Abū al-Ḥasan ʿAlī b. Hishām [Abolança Aly Abineixem]" as both the *qāḍī* and *qā'id*, for himself and the populace and sixteen Muslim notables named here, "grant and receive as natural and personal lord you the lord King James," with all his titles, "and your heirs holding the kingdom of the Balearics." The *faqīh* goes on to make "homage and oath to you" and to renounce all manner of previous agreements and sovereignty and oaths to any other person. He surrenders to the king the castle "in such wise that your banner or standard [be raised there] and your name and dominion be cried out in a loud voice by your persons," an exercise to be repeated annually. At this point an annual tribute of grains and livestock is introduced, but expressly "for the greater recognition of your lordship."

The community promises to defend the king's rights on the island against all men and to repulse any corsair [*cursarium*] or enemy on land or sea. The wreckage from any shipwreck will be returned to its owner or to the king, though profit from Muslim wrecks will be used for castle maintenance. A proviso covers Muslim slaves fleeing from Majorca, and another proviso divides the "fifths" taken in sea battles.

Here the Minorca treaty ends its Muslim portion as brusquely as it began. The king's part receives the Muslims under his protection. "As a special gift and honor," he decrees "that no Christian or Jew may reside permanently [*continue*] on the Minorca islands except by your wish." The king then guarantees the *faqīh* his ruling position for life, and allows the election of new officials later, subject to the king's confirmation or substitution. The king also establishes free passage through all his dominions in order to trade (and immunity for all ships coming here to trade). With the approval of the Muslim authorities any Minorcan Muslim "can move to dwell where he wishes in lands of Muslims [*Sarracenorum*] or Christians," while Muslim immigrants here will fall under the Muslim customs of the district to which

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they come. The king will actively defend them against enemies and will return any one of them seized elsewhere in his realms.[20]

The combined charter has fourteen baronial witnesses, the king's signum and also his seal, and the scribe's "mandate of the lord king and of the aforesaid Saracens." The parallels of castle delivery and of a care to guarantee succession in the administration in orderly fashion relate to the later Játiva treaty, whose lost parts may also have included such protestations of total fidelity as well as a few select taxes or tribute as submission. The Arabic version of the Minorca treaty is long gone, and the declaration of submission by the Muslims as phrased within the Latin document cannot serve as a fair reflection of the Muslims' understanding of their role. Both parts of this double Latinate text represent the king's preoccupations. The dozen or so Latin constitutions or *cartas pueblas* surviving from the campaigns of the Valencian conquest and the subsequent rebellions, though they have no Arabic counterpart (if any) surviving, might also be used to contextualize, clarify, or support the Játiva Latin text. This might refine our understanding of the treaty but at the price of tedious comparative detail. The essentials are now before us.

Since the 1244 Játiva document was a property treaty, closing a military action and transferring sovereignty (at least in the posture or attitude of the Christians), it dispensed with the organizational detail that marked and lengthened the 1252 constitution. In 1244 there was no need to establish the bureaucratic personnel, to protect koranic schools and preaching, to set up a Friday market and commercial activities concerning stock and grain, to arrange the standard poll tax of one besant per family or residence, or to settle such problems as custody of the prison. In its Latin portion, the 1244 treaty basically left the present Muslim personnel, institutions, and behaviors in place, claimed a modest share of the taxes, indicated the sequence of successors in the office of *qā'id*, inserted some officious instructions about the system of justice and witnesses, restricted military obligations of the defeated Muslims, and conciliated them with minor tax exemptions and deference to their prejudice against a Christian presence among them.

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[20] Miquel Barceló, "El tractat de Capdepera de 17 de juny de 1231 entre Jaume I i Abū 'Abd Allāh Muḥammad de Manūrqa sobre la funció social i política dels *fuqahā'*," in his *Sobre Manūrqa* (Palma de Mallorca: 1984), text transcribed from the Bibliothèque Nationale surviving copy at Paris, pp. 82-84.

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CHAPTER EIGHT

LATIN TEXT: WITNESSES, RECONSTRUCTION, DARK FATE

A medieval charter could be validated by attaching seals, assembling a list of witnesses at the end, placing the decorative personal device called a signum, closing with a scribe's device and attestation, or even composing two copies of the text on one parchment and then tearing or cutting them apart along a line marked by the letters A, B, and C to produce matchable halves. Any of these expedients, or a combination, or all of them might serve. The seals on Játiva's treaty received attention in the previous chapter. Here the witness list attracts our notice.

So solemn a document certainly also bore the king's rhomboidal signum with his name and titles. In this half-ruined text, traces of the device seem to follow the date but off to the left of the witness list, in a portion of the charter too destroyed to offer clear evidence. The similar bilingual charter for al-Azraq's surrender places the signum below the witnesses and above the notary's own mandate and signum. Commonly too the king's signum followed immediately after the text. In its non-abbreviated formula, it would have read: "The signum [*here its design was drawn*] of James by the grace of God king of the Aragonese, the Balearics [*Maioricarum*], and Valencia, count of Barcelona and Urgel, and lord of Montpellier." Elaborated forms might add: "who confirm and concede the aforesaid as contained above," or more generously "who validate, concede, and confirm all the aforesaid as contained above [*the signum*] placed by order of the lord king." Unlike many notarial signa, which place the device within the two syllables, the king's signum was drawn just after that word, with his name and titles following. For King James the device had an X with vertical line down through it, within the diamond-shaped rhomboid, and a boxed cross attached to each of the four corners.

Witnesses and Closure

The witness list below the text would have been introduced by a phrase such as "the witnesses of this affair are"; but that too would now lie in the missing section of text. Since the two surviving columns

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of witnesses are far apart, a separate column of three more names may well have begun the list on the left, in the portion of text now missing. The witness list is fictive; it does not consist of signatures but has all the names in the same scribal hand, a common procedure. Two columns present three names apiece, the first column clearly but the second column readily legible only in the personal given names. Arnau de Rocafull leads the first column. The Rocafull lineage had begun at Catalan Montpellier and flourished both in Catalonia and Valencia. Its most distinguished representative at this time was Guillem de Rocafull, prominent in the king's autobiography. Our document's Arnau was signatory to several royal charters during the Valencian crusade. His first residence or baronial palace in the conquered city of Valencia was a caravansary facing the central mosque-become-cathedral. Though first in the witness list he is not the most distinguished. He does not appear anywhere in the king's extensive memoirs, nor as signatory to any crown charters after 1241 in Miret's collection of thousands, nor even among those present during the Játiva siege away at Almirra to sign that treaty.[1]

The second witness is García Romeu, not "Guillem" as the abbreviation might mislead the reader to supply. He appears in over fifty of the king's charters between 1228 and 1271, including crown business from 1242 into 1244. He was to marry Teresa, a daughter of Prince Peter, and would thus be that future king's son-in-law. Though his family origins had been at the border town of Lérida, Romeu was a *ric hom* or high magnate of Aragon proper. Strangely enough, he had played the role of traitor in the king's previous siege of Játiva. Infuriated by the king's denial of his claim to offer a right of asylum to criminals at his residence, Romeu schemed to bring his hundred knights over to the Muslim side. The ensuing brouhaha aborted James's siege. This time the king seems to have been careful to incorporate Romeu into his siege and affections. Though Romeu would have a long career before him in the king's service, he was not invited to sign the Almirra treaty nor later to give counsel when Játiva offered surrender.[2]

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[1] Miret i Sans, *Itinerari*, pp. 126 (17 December 1236), 139 (9 April 1239), 140 (15 July and 6 October 1239), and 152 (2 November 1241).

[2] Ibid., pp. 157 (23 December 1242), 158 (20 January 1243), 169 (1 and 19 August 1244). For other details of his obscure life see Arch. Crown, Cancelleria, Jaume I, Reg. Canc. 12, fol. 19 (1 March [1262] 1263) and Reg. Canc. 37, fol. 78 (2 January [1274] 1275). For his hundred knights, asylum claims, and treason see the *Llibre dels feyts*, caps. 323-325.

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The last name of the first column is either Pere (Aragonese Pero) or Pelegrí (Aragonese Pelegrin) de Atrosillo, named after Artosilla in the Aragonese province of Huesca. If there was a "Pero" de Atrosillo, he turns up only three times in the king's surviving registers, once at the 1244 siege of Játiva (actually at the Almirra treaty), and twice in 1245. All three entries, taken by Miret i Sans from published transcriptions, are almost certainly unwary extensions of *P* and really refer to Pelegrin. Pelegrin was prominent in the king's entourage; when James was beginning his active reign, he undertook his first feudal war on behalf of this baron. The king records conversations and military actions with him during both the Majorcan and Valencian conquests. This valued warrior was not part of either the Almirra or the Játiva negotiations.[3]

The second column begins with a short surname, the most damaged and illegible of the six but obviously a short name. The *R* for the given name would usually extend as Ramon, but following the eccentric pattern of the previous column's initials *G* and *P*, may just as well be Rodericus (Catalan Roderic, Aragonese Rodrigo). The most likely knight would be Rodrigo de Lizana. Lizana is an Aragonese toponym, now gone, in the Huesca province. Rodrigo himself was a *ric hom* or high baron of Aragon and would hold the office of majordomo of Aragon proper. His role in this siege of Játiva was considerable; he had called the king to come save his captured party and had thus inaugurated the war. He too was missing from the Almirra and Játiva surrender negotiations. The king speaks of him in the royal memoirs some two dozen times. Rodrigo was with James in 1244 and then assisted at the siege of Biar just after Játiva capitulated.[4]

The middle name in this second column is clear in its first part, Eximenus (Catalan Eximèn, Aragonese Eximeno), but obscured in its surname. A person one might expect among the witnesses, and apparently fitting the visible fragments of the surname, is Eximeno de Tovía. The Tovía/Tobía lineage was Aragonese with branches in Catalonia; Eximeno was a favorite of Játiva's Muslims and the crucial figure in the city's surrender, as King James describes in his autobiography. Abū al-Qāsim, the *kātib* or chancellor of Játiva, asked in the

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[3] Miret i Sans, *Itinerari*, "Pere" on pp. 168 (25 March 1244), 172 (14 February and 9 May 1245) as previously published. For Pelegrin see especially pp. 139 (21 May 1239, early Játiva siege), 164 (22 September 1243), and 180 (1 July 1246 at Játiva). *Llibre dels feyts*, caps. 15 (feudal war), 67, 311-313.

[4] Miret i Sans, *Itinerari*, pp. 169 (19 August 1244), 170 (5 September 1244, Biar siege). *Llibre dels feyts*, see especially caps. 364 in 1247 and 333 for the *casus belli* episode.

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name of the ruling *qā'id* that the king send Eximeno into the town to participate in the final meetings of the sheikhs since Eximeno was the "confidant" (*privat*) of the *qā'id* "and he trusted him much." Eximeno stayed in the besieged city from Wednesday and over the weekend, then returned to the king with three Muslim delegates to discuss their terms. Later the king summoned the delegates and Eximeno and accepted the terms; on that occasion the envoys asked in the name of the *qā'id* and the sheikhs "that Don Eximeno de Tovía should hold the [surrendered] castle because the *qā'id* trusted him so much." The king concurred. Whether this means that Eximeno presided over the transition period of garrisoning and administering the lesser castle for some months or more seriously served a term as castellan-governor is difficult to say. He signs as witness various charters of King James at Alaguar in 1245, at Valencia and Teruel in 1247, at Valencia in 1249 and 1252, and at Calatayud in 1256. One of the charters is dated "in the army of Játiva" on 10 May 1244.[5]

Eximeno's prominence in the final negotiations at Játiva, his role as first administrator-castellan there, and his high popularity with the Muslim authorities, all encourage the suspicion that his must be among the less decipherable signatures. On the other hand, none of the four high barons who formed the king's inner circle or advisory council for the negotiations appear as witnesses on the treaty. Nor do the names of the six witnesses appear in the run of the king's documents at that time in any frequency or pattern; they seem instead a random group of knights available for the hurried decision of the king. If the witness is not Tovía, a possible alternative candidate half revealed in the ruined letters of the surname might be Eximeno de Urrea, a knight active in the king's Valencian affairs, especially in the Mudejar revolt of the late 1240s but otherwise not now visible at the Játiva siege. He appears in some seventy of King James's charters.[6]

The last witness is puzzling. The name may perhaps be deciphered as G(uillem) de Belloch (also Bell·lloc). If so, he was the principal notary of that name for the crown. He was on hand as the Játiva siege ended. And though himself routinely a crown notary or supervisor, he also acted on occasion as witness. He is unlikely to have played a double role as drafter and witness. His presence in such august com-

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[5] James I, *Llibre dels feyts*, caps. 352 to c. 354; on Tovía, the *qā'id* "se fiava en el molt" and later "fiava's molt en ell." Miret i Sans, *Itinerari*, pp. 164 (1243), 165 and 168 (1244), 172 (1245), 188 (1247), 194 (1249), 219 (1252), 251 (1256), 552 (appendix, 1247).

[6] Miret i Sans, *Itinerari*, especially pp. 139, 141-145, 252-253. *Llibre dels feyts*, caps. 364, 365. A short surname with Eximeno would also be Eximeno Pérez at the siege, who signed the Almirra treaty then as "the king's lieutenant in Valencia."

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pany on so important a treaty reinforces the impression of haste this document stirs.[7] The witness list is oddly weighted with ethnic Aragonese, all perhaps except Rocafull and Belloch. Did the king feel it necessary to conciliate them, as the political system would counsel him to do at the time of the al-Azraq treaty? No particular pattern emerges yet from the group, unless these were men particularly beholden to the king (as was Atrosillo or the king's son-in-law Romeu or the crown notary Belloch). The Almirra signatories, all presumably part of the Játiva siege, are a much more imposing lot. They are the bishop and archdeacon of Valencia, the king's lieutenant for the Valencian kingdom (Eximeno Pérez de Tarazona), the masters respectively of the Templars and Hospitallers, and the important barons Guillem de Montcada and Eximeno de Foces.[8]

An oddity in this part of the text is the confused manner in which the notary's statement runs into both columns of witnesses, incorporating into itself the last name in each column. Obviously the treaty had been finished and the names laid down when the scribe Guillemó sought space for his closure. This confusion of lines contributes to the impression of hurried drafting to take advantage of the desirable terms so suddenly offered by the Muslims. A final task remained. Below all this stands the isolated word "was" (*fuit*), presumably given meaning by distant accompanying words at each side of the now deteriorated document. Balancing the available space against the probable location of the accompanying words, a long formula noting that the king had fortified the charter with his seal (*roboratum fuit sigillo* etc.) seems unlikely. The formulaic phrase may however simply be: "It was read to the king" (*lecta fuit regi*). This is precisely the pattern followed in a charter at Valencia dated 15 May 1240; after the king's signum and three columns of witnesses (but totaling only five names) and the scribal mandate, the spaced phrase *lecta fuit regi* stands just above the seal area.

A small mystery remains. The Christian scribe's final line has the phrase *episcopo cancellario suo* at the ruined left of the folio, in abbreviation. The reader expects this formulaic last line to say roughly: "Signum of Guillemó the scribe who, at the mandate of the lord king, on behalf of the lord X bishop of Y his chancellor, caused this charter to be translated" and so on. The difficulty is that King James apparently

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[7] Miret i Sans, *Itinerari*, pp. 160 (20 March 1243) as witness, 187 (12 March 1247) as witness, and 169 (6 June 1244) where he drafted a charter at Ondara just after the siege of Játiva ended. This does not seem the more obscure knight Guillem III de Bell·lloc (died ca. 1315).

[8] See above, p. 95.

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had no chancellor in 1244. The great warrior bishop of Barcelona, Berenguer de Palou, died in August 1241 and was not succeeded by another chancellor until the appointment in 1248 of Andreu Albalat, greatest of conquered Valencia's early bishops. During that interregnum, one or other notarial functionary would seem to have served as unofficial head for the crown's routine documentary matters. The situation could have been clarified if an ampler selection of the king's more formal charters had survived for those half-dozen years. Palou could not have been succeeded by the next bishop of Barcelona, Pere de Centelles; complications in the private life of Centelles delayed confirmation of his election until July 1243, and in any case he was not chancellor material. One bishop did stand out in 1244. When King James interrupted his siege of Játiva in March 1244 to negotiate the excruciatingly difficult and crucial treaty of Almirra/Almizra with Castile, he took along only one prelate from his several realms, the Aragonese bishop of Valencia, Arnaldo de Peralta. Since Arnaldo's name leads the considerable witness list of fifteen luminaries from the realms of both Aragon and Castile at Almirra, he would seem to have functioned on that occasion as King James's ad hoc chancellor. Perhaps Arnaldo's name should be inserted in the missing part of the Játiva treaty's closing mandate: ... *mandato domini regis pro domino Arnaldo valentino episcopo cancellario suo*... The transcription and translation in this chapter settle for a somewhat less adventurous ellipsis, in place of an episcopal name. This contribution to the mystery of the missing chancellors will be of wider interest to the history of the realms' chancery and episcopacy.[9]

Reconstructed Latin Text

At this point it will be useful to lay out the complete Latin text insofar as it is presently recoverable. The fragmentary nature of the sentences does not encourage a rhetorical analysis of the text, such as José Iso

[9] Arxiu Capitular de la Catedral, Tortosa: privilegis reials, caixó 1, núm. 27, photocopy in Josefina Mateu Ibars and Maria Dolores Mateu Ibars, eds., *Colectánea paleográfica de la Corona de Aragón, siglos IX-XVIII*, 2 vols. (Barcelona: 1980-1991), II [laminas], no. 82; cf. II, 614-616. For King James's chancery and chancellors see the classic works by Josep Trenchs Odena, "La cancillería de Jaime I: cancilleres y escribanos," in *Paleographica diplomatica et archivistica: studi in onore di Giulio Battelli*, 2 vols. (Rome: 1979), II, 97-128; and his collaborative "Las cancillerias de la corona de Aragón y Mallorca desde Jaime I a la muerte de Juan II" as the booklet *Folia parisiensia* [Zaragoza], I (1983), 17-25. For the bishop-chancellors and their contexts see Burns, *Crusader Kingdom of Valencia*, I, chapter 2. See also Burns, *Society and Documentation*, chapters 3-5.

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Echegoyen has been doing with the adoption of classical Roman prose rhythms or *cursus medieval* in King James's documents, or Juan Sardina Páramo's innovative study of James's use of formulas.[10] Keeping in mind that the body of the text is missing half of its content, that the left side has suffered damage just where each line begins, and that paleographical signs to indicate passive or plural or abbreviated bits are not always clearly readable, the following reconstruction should be a reasonable recovery. Sigla include pointed brackets < > to enclose a few unusually difficult or conjectural readings, and square brackets [ ] to indicate editorial intrusion. Sets of three dots indicate that the paper itself is missing there and/or the text is irrecoverable. Lower case roman numerals are assigned to the first eleven lines of Latin text that appear between the ruled lines. Arabic numerals are assigned to all the rest and correspond to the sequence of the ruled lines, not to the sequence of the Latin lines. Thus the numbering jumps here from xi to 13.

i ... <faciat> al[cop]z.[11]

ii ... <reddant> ... castra corporis civitatis Xative vel regnanti heredi suo in civitate Valencie, et faciant ...

iii ... <cura> de domibus suis nec illi de civitate nec de barriis nec de ravallis nec de aliquibus locis <que> ...

iv ... <omnibus diebus vi>te sue,[12] et mortuo ipso, Abenhomar[13]

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[10] José Javier Iso Echegoyen, "Notas sobre el cursus medieval y su reflejo en los documentos de Jaime I de Aragón," *Aragón en la edad media*, VIII (1989) (= *Homenaje al profesor emerito Antonio Ubieto Arteta)*, pp. 351-357. Burns, *Society and Documentation*, ch. 22, "Rhetoric and Style." Of particular interest is Juan Sardina Páramo's exploration of rhetorical formulas in King James's documents as *topoi* manipulated and selected to consolidate and justify his policies in "*Topoi* retóricos y temática iusnaturalista en la labor legislativa de Jaime I y su continuación en las cortes medievales catalanas," *X Congrés de la Corona d'Aragó*, 3 vols. (Zaragoza: 1979), II, part 2, pp. 537-544.

[11] On this fragment see above, p. 132.

[12] Though the name is illegible, this would be Abū Bakr Muḥammad Ibn ʿĪsá, *qā'id* since May 1237 when his father Abū al-Ḥusayn Yaḥyá ibn Aḥmad Ibn ʿĪsá al-Khazrajī died. Abū Bakr, prominent throughout King James's memoirs about the Játiva siege, appears again as current *qā'id* below in line 13. Cf. Rubiera/Epalza, *Xàtiva musulmana*, p. 99.

[13] Ibn ʿUmar Ibn ʿĪsá, brother of Abū Bakr the *qā'id* of Játiva, is a shadowy figure known largely through this treaty and through a (hitherto mistrusted) reference in Desclot's memoirs (see chapter 5, p. 99). Here he would succeed as ruler in the event of the death of his brother.

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frater[14] ipsius; et mortuo Abenhomar, alchayt Abulucen[15] <tanquam alch[ayt]> ...

v ... nec de alchaydo nisi rex; nullus Christianus habeat in Xativa nec in aliquibus locis composicionis istius nec compareat nec conducat, <ita> ...

vi ... contra illum; qui contradicent istud eis <faciat> rex quod debuerit.[16] Sarraceni non tene<antur> ire in exercitum nisi contra castra que <se> ...

vii ... <usque> ad loca ubi ire voluerint, et recedentes de locis suis quando venerint recuperent hereditates suas, et venientes ad Xativam ...

viii ... et Sarraceni alterius terre aut venientes[17] de eadem lege non credantur nisi fuerit alius legis alterius et testes sint tales qui rec[ipiantur] ...

ix ... um ... sunt ... at ... composicionis <istius> recuperent eum, tamen Sarracenus qui ibi eum <absentem>[18] facit <peitam> ...

x ... ut assignetur sibi dies, et nisi assignato die venerint recipiatur testimonium, et <valeat> Sarracenus ...

xi ... pro se ... dabunt omnes redditus de almagzem integre, qui exitus sint in consueta constitucione ...

13 ... <rus reditibus> nichil dabunt Sarraceni pro salinis et trullariis, nichil regi donent pro ...

14 ... Arag[onum] ... Alfonsus ... successores istius ...[19]

15 ... iuraverint, contra aliqua de prescriptis nunquam venire. Similiter alchaydus Abubacar ...

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[14] *Frat* with overstroke, less likely part of an ablative absolute than a nominative, from the apparent meaning here of the succession to rule.

[15] Abū al-Ḥusayn Ibn ʿĪsá, next after Ibn ʿUmar in succession to be *qā'id* of Játiva, is not otherwise known to history. Is he the youngest of the brothers here?

[16] MS: *debuit* with overstroke.

[17] Or: *procedentes*.

[18] Or: *cum abse-*.

[19] Line destroyed by a main fold of the parchment. All lines down to this fold are partial or broken off. From here on, a fuller width of the charter has survived.

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16 ... die quando assignabit in Valencia, domus non habebunt. Datum in civitate Xative, nonas Iunii, <anno a nativitate domini> [M]^{o} CC^{o} < ... >[20]

18 [Signum Iacobi dei gracia regis Aragonum, Maioricarum, et Valencie, comitis Barchinone] et Urgelli et domini Montispessulani.

20 [Testes huius rei sunt:] A[rnaldi] de Rocafolio R[oderici] de [Lizana?]

21 G[arcia] Romei Ex[imini] de <Tovia>

22a [*Missing*] P[elegrini] de Atrosillo G[uillelmi] de <Belloch?>[21]

22b [Sig + num Guillelmoni scribe qui mandato domini regis pro ...] episcopo cancellario suo hanc cartam fecit traslatari de Arabico in Latinum loco, die, et [anno predictis].

23 [Lecta] fuit [regi]

A medieval identification on the dorse reads: "carta convencionis habite inter dominum regem Iacobum antiquum et dominos Sarracenos castri Xative tempore conquiste." The top left of the dorse identifies the (now missing) seals: "bulletur cum bulla regis et cum sigillo regine."[22]

Translation

i ... [preservation of] religious endowments ...

ii ... they are to surrender the castles of the district of the city of Játiva, or to his heir ruling in the city of Valencia, and he may do ...

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[20] A symbol may perhaps be discerned here as a *Q* with a superscript *r* or *to*; but the impression may be an illusion, aided by expectation of such a find.

[21] The letters *ch* seem to end the name. On this notary and his role as witness, see the discussion of signatories just above.

[22] For the ancient and modern archival catalogue notations kept for this document, including its current signature, see above, p. 124. The eight lozenge-shaped holes for the two seals, well below the text, are considered on p. 129 above.

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iii … care of their houses, nor those [people] of the city or of [its] neighborhoods, or suburbs, or of any places which …

iv … [Abū Bakr] for all the days of his life; and when he is dead, his brother Abenhomar [Ibn ʿUmar] [will rule]; and when Abenhomar is dead, the *qāʾid* Abulucen [Abū Ḥusayn] as *qāʾid* …

v … nor from the *qāʾid* except the king, nor is any Christian to have in Játiva [a house?] or in any places of this treaty; nor may [a Christian] sue at law, or operate [shops?] …

vi against him; [as for those] who oppose that, let the king do what he ought. Saracens are not obliged to go on army service, except against castles that [are in rebellion?] …

vii … all the way to the places where they want to go, and returning from their places, when they come, let them recover their property; and coming to Játiva …

viii … and Saracens of another land, or coming from that [other] custom, are not to be believed [as witnesses] unless there be another of the other law and the witnesses be such that they may be received …

ix … [who?] … are … of this treaty are to recover it; however, a Saracen who [recovers?] … it there is to pay the tax [?] …

x … ; that a day be assigned him; and unless he comes on the assigned day, let the testimony … be taken down; and let a Saracen be worth [valid] …

xi … for their part, they will give them the revenues of the shopping quarter [*magatzen*] entirely, which revenues are in the customary constitution …

13 … revenues; Saracens will give nothing for the saltworks and olive presses; let them give nothing to the king for …

14 … [king of the] Aragonese … Alfonso … his successors …

15 … they have sworn not ever to go against any of the prescriptions. Likewise the *qāʾid* Abū Bakr …

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16 ... on the day when he will assign in Valencia, they will not have houses [in Valencia city?]. Given in the city of Játiva, June 5 [in] the year from the birth of the Lord 12[44] ...

18 [Device of James by the grace of God king of Aragonese, the Balearics and Valencia, count of Barcelona] and Urgel, and lord of Montpellier.

20	[Witnesses are:]	Arnau de Rocafull	Rodrigo de Lizana
21		García Romeu	Eximeno de Tovía
22a	[*Missing*]	Pelegrin de Atrosillo	Guillem de Bell·lloc

22b [Device of Guillemó the scribe who, at the mandate of the lord king for ...] bishop, his chancellor, caused this charter to be translated from Arabic into Latin in the aforesaid place, day, and year.

23. It was read to the king.

Fate of the Treaty Charter

Where did this charter lodge? The kingdom of Valencia, though separately constituted with its own laws, coinage, parliament (*corts*), and privileges, lacked a crown archives. The traditional dynastic center at Barcelona surely kept administrative documentation by this time. There is even a reference to the count-king's *archivum* as early as 1180, but the word may refer to unorganized documentation. King James did deposit important charters at religious houses such as the Aragonese monastery of San Juan de la Peña and the Dominican convent in Valencia city. Such deposits constituted a network from which James drew out items as needed. They may be considered as supplementary to a collection at the Barcelona palace or as the initial stage toward the evolution of that Barcelona central archives in this century.[23]

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[23] See Burns, *Society and Documentation*, ch. 3, "The Royal Archives: Evolution," especially pp. 20-21 with notes for religious houses as archives and on the early palace collection. See too Rafael Conde y Delgado de Molina, *Les primeres ordinacions de l'arxiu real de Barcelona, 1384*, with background (Barcelona: 1993). See also Federico Udina Martorell, *Guía histórica y descriptiva del Archivo de la Corona de Aragón*, ch. 2 and bibliography on pp. 14-15.

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Of all these collections, the crown documentation entrusted to the Knights Hospitaller in upland Aragon at their priory of Sigena is the most visible in surviving notices. Exceptional state documents went there, such as treaties with Castile and Navarre. More pertinent to the present treaty, we know that King James sent to Sigena his agreements or treaties with Abū Zayd, the last *wālī* ruling Islamic Valencia and later the king's ally in the Valencian crusade. Though James did provide for a strongbox at Valencia city's town hall, to contain "privileges given to you by Us and all the rights pertaining to the [local] community," this would not have been the situation yet at Játiva, a lightly garrisoned and still Islamic population. Copies of the Játiva treaty may have gone to Játiva or Valencia, but this original probably went to Sigena, to be collected toward the end of this century into the truly central archives of James II and Peter IV at Barcelona.[24]

Before the waters of silence submerged it, one final episode testified to its existence as a known and accessible object as late as the 1370s. The 1244 treaty refers to Játiva as a "city" (*civitas*) both in the first surviving line and in the closing date line. That term has had a checkered history in Europe after the decline of the Roman Empire, coming to mean especially an episcopal see or an urban agglomeration incorporating a bishopric. King James uses the term for specific large cities—Barcelona, Lérida, Montpellier, Murcia, Palma de Mallorca, Valencia, and Zaragoza.[25] In his memoirs Játiva does not appear as a city but as the castle or simply Játiva or rarely town (*vila*, a term he also uses at times for a city). By this time but especially by the fourteenth century, privileges were making the word "city" a category of eminence. Alert to this, the Christian population of Játiva in 1347 petitioned King Peter IV the Ceremonious that he declare it "a city." Játiva then fought to keep the designation, against the jealous opposition of Valencia city. King Peter's confirmation of Játiva's status appealed to our treaty of 1244 which had twice contained the term, whatever its meaning in that surrender year.

This information turns up in a document of 1377, badly transcribed by the Játiva official Enric Menor as part of a copying project in the eighteenth century after the burning of the city and its archives. This documentary witness to the treaty's survival and public status says that Játiva should be a city "just as [appears] by a certain docu-

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[24] Burns, *Documentation*, p. 20 note, including archival documents.

[25] *Llibre dels feyts*, caps. 2, 22, 34, 54, 58, 59, 71-72, 76, 81, 340, 439, 445. Thus his use of "city" in the treaty seems to elevate the town to the rank of Barcelona or Zaragoza.

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ment or charter made on the surrender of the said city between the illustrious lord James king of Aragon of happy memory Our great-grandfather on the one side and the *qā'id* Albubachar [Abū Bakr], son of the *faqīh* King Abuchuçayn [Abū al-Ḥusayn], son of the previous king of Játiva and the whole population of the Saracens of Játiva and of all the surrounding places on the other."[26] This description of 1377 adds two bits of information about the treaty, apart from its public survival. First, the agreement covered the territory subject to or in some way part of the larger region. And second, the Banū ʿĪsá dynasty was expressed here in three persons, the earliest of them dead [*quondam*] at that time, each perceived by the crusaders as in turn "king," the title the crusaders had also accorded to the governors or rulers of Islamic Valencia. This somewhat garbled notice, however, says nothing about the two brothers in their respective major and minor castles (perhaps because one brother was removed from office when the lesser castle was given up by the treaty). It does single out Abū Bakr, son of Abū al-Ḥusayn, son of the deceased previous *qā'id*, as the protagonist on the Muslim side. What was the condition of the 1244 treaty after over 130 years in the king's archival deposit? The reference of 1377 apparently refers to a document substantially intact. As early as 1346, however, King Peter IV had to appoint an archivist for his charters at the Barcelona palace "to control and preserve the documents, writings, and registers, lest they be ruined or consumed by the inroads of worms or feeding of insects, as they have in various ways been corrupted up to now." Three years earlier in 1343 the king had described the ruined condition of a charter almost exactly like Játiva's and from its period, the interlineate Arabic with Latin surrender agreement of Eslida of 1242. King Peter IV notes that "the said privilege was in part corrupted [*corrosum*] or through carelessness or ignorance mutilated" so that he was ordering "that privilege to be rewritten and retrieved and secured with Our seal" but "without addition or subtraction, just as it was before the present

[26] Ventura i Conejero, *Levante* article above in chap. 5, note 43, giving the pertinent section from Enric Menor's transcription: "prout per quoddam instrumentum seu cartam factam super redditionem dictae civitatis inter illustrissimum dominum Jacobum regem Aragonum memoriae recolendae tritavum nostrum ex parte una et Alcaydum Albubachar, filium Alfachi rex [= regis] Abuchuçayn filium quondam Dei [= regis] Xativae et totam universitatem Sarracenorum Xativae et locorum omnium ei adiacentium ex altera, nunc vidimus clarius apparere, et per consequens ex tunc dicta captione facta, debuisset continue remanere praedicta civitas in sui nominis et tituli essentia et statu, ac civitas appellari, gaudereque praerogativis, privilegiis etc...." (*Liber privilegiorum*, fol. 299).

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transcription."[27] Thus the 1242 original with its Arabic was discarded, this Latin of 1343 standing alone and soon to be lost in turn but available in yet another recopy. The fate of Játiva's original, with body-parts amputated and whole areas effectively destroyed or rendered illegible, becomes intelligible in that archival context.

Significance

It is possible that high-tech imaging may one day extend these lines into the black, blotted corners, or pierce through the mottled "good" lines. Meanwhile we must work with these survivals and descry in them what we can. The details of this agreement leave no doubt that it is of the same spirit and kind as the later treaty of 1252. In other words, 1244 was not a mere retreat or truce, where the king was unable to impose a real surrender, so that both parties did a diplomatic dance and awaited more propitious times. The Muslims might hope that the surrender was tentative and accept it as more in the nature of a truce. And James soon came to mistrust and fear this relatively autonomous Játiva when rebellion flared in Valencia in 1247. But both sides could see that a decisive step had been taken, probably the beginning of the end. This 1244 action was a true surrender, as well as truly the establishment of Mudejar Játiva, though perforce Mudejars continued as the city's sole population.

The figure of the new *qā'id* is clear in the treaty both as Abū al-Ḥusayn and as "called Abū Bakr." His brother Ibn ʿUmar appears. The several particulars are what one expects, from the separate Latinate or Romance survivals of other Valencian Mudejar bilingual treaties. The preoccupations of the Muslim community as a whole here include a determination to keep Christians and Jews out of their space, some all-too-human maneuvers to win tax exemptions, a disinclination to fight alongside the Christians except for local Muslim rebellions, a care of commercial operations, and concern to control their own properties. The selected details betray a mood, a sense of independence and even regard for regulating interior aljama affairs.

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[27] Burns, *Society and Documentation*, p. 22 for archival appointment. Vicente García Edo, "Actitud de Jaime I en relación con los musulmanes del reino de Valencia durante los años de la conquista (1232-1245), notas para su estudio," in *Ibn al-Abbār, polític i escriptor*, appendix, p. 321, doc. 5: "cumque in parte corrosum vel incuria seu ignorancia laniatum ... ut ipsum privilegium rescribi et reparari ac nostro sigillo muniri ..." On Eslida see above, p. 139.

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The crown seems focused on exalting its lordship and channeling Mudejar revenues into its coffers.

This is not one more surrender constitution, however, for several reasons. First, it concerns the most powerful entity King James had confronted in Valencia outside the capital city. Second, it is the only treaty for Mediterranean Spain in that century of conquest to survive with a Latin-Arabic text. It can reveal the opposing political psychologies of the two adversaries. This means that comparison of the two texts, with sharp observation of the very different Muslim perceptions of their situation, is a prime contribution the text itself will bring us. Third, this treaty marks the beginning of a major multicultural society, the maximum Mudejarism of the kingdom of Valencia below the Júcar River, where the mass of Muslims remained uneasily subject to a colonial overgrid of Christian administrators and settlers, and where the Jews fleeing both north from Almohad persecution and south from Capetian persecution converged to constitute a valuable frontier resource and a bridge between conquerors and conquered.[28] Fourth, it is appropriate to note the role this conquest of Játiva played in the evolution of that colonial-warrior society, with its osmotic interpenetration of three cultures, which was to define Spain and to color Spain's actions and institutions in the New World. Fifth, it supports the veracity of King James's autobiography, particularly detailed for this surrender.

Finally, the treaty marks not so much the culmination of a drama, as most surrender constitutions do in Valencia, but the start of intransigent defense of a Muslim enclave, a proud determination to survive under the military protection of the Banū ʿĪsá dynasty here and eventually at nearby Montesa castle. In the event, a formal crusade and bitter seesaw fighting would be needed by James's successor King Peter before the Banū ʿĪsá could be dislodged. Montesa/Játiva remained for some time the cultural and socio-political center of Mudejar Valencia, a beacon for the conquered everywhere in James's new kingdom. For the history of both Islamic and Christian Spain, this recovery of what Sarthou Carreres mourned as "a priceless document, unhappily lost,"[29] is a major event. Its discovery may have special significance for our own day, when some twelve million Muslims now reside within Europe, with more arriving daily, so that the Muslim presence and pluri-culturalism as in King James's day is once again, over seven centuries later, deeply marking today's Europe.

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[28] See Robert I. Burns, *Jews in the Notarial Culture: Latinate Wills in Mediterranean Spain 1250-1350* (Berkeley/Los Angeles: 1996), chapter 1.

[29] See above, p. 123.

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CHAPTER NINE

THE 1244 TREATY: ARABIC TEXT AND ANALYSIS

Paul E. Chevedden

The surviving Arabic text of the surrender treaty of Játiva consists of the last twelve lines of the main body of the document and the witness list beginning on the right on line 18 and ending on the left on line 17. The main body of the document contains terms of agreement, oaths of ratification, designation of those Jativans who attended the treaty deliberations and who drafted the document, and the date of the treaty. Because each line of the text begins at the halfway point and is frayed and worn at both ends, the reader confronts words torn away from their context, sentences in fragmentary form, verbs orphaned, and subjects and objects severed and removed from the textual substance that once sustained them. Within the interior of each line water damage, deterioration of the paper, and faded ink have created lacunae of various lengths where strokes of letters are obliterated or only partially visible.

Enough remains of the text, however, to make a clear and correct representation of many of the damaged portions of the document. Some portions of the document that have not been recovered can be reconstructed with a fair degree of accuracy because surviving sections of either the Arabic or Latin versions of the treaty provide hints of vanished text, or because provisions of the Játiva charter of 1252 correspond to provisions in this document and can be used to reconstruct missing elements of the text. The formulaic content of certain passages (e.g., the formula of the *amān* and the oaths of ratification) also provide a basis for the reconstruction of absent text. I have deciphered this fragmentary document to the best of my ability, aided by helpful suggestions generously offered by Michael Fishbein of the University of California at Los Angeles and Everett Rowson of the University of Pennsylvania. I alone am responsible for any errors that remain.

Because of the fragmentary condition of the document, primary attention will be devoted to the recovery of the text and its intrinsic meaning. Comments on orthography and grammar will be reserved to the notes following the transcription of the text. The transcription of the document follows the Leiden Bracket System as described in chapter three, but a new siglum has been added to indicate conjec-

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tural additions: a small superscript interrogation point at the beginning, as well as at the end, of a restoration is used to indicate a reading that is doubtful, although it may be probable, or even possible. The restored text flanked by superscript interrogation points—[ʔnot certainʔ]—is a conjectural restoration that attempts to convey the sense, not the content, of the original text; it makes no claim to verbal accuracy.

The Arabic text, written in Maghribī script, is carefully laid out on the page. Letters reach a maximum height of 5 millimeters in lines 1-12, and 9 millimeters in lines 17-18. Occasionally ligatures are elongated to accommodate the text to the page or to enhance the importance of the Muslim witnesses to the document, whose names appear on lines 17-18. All of the letters that have open loops in standard orthography—*fāʾ, qāf, wāw*, medial and final *ʿayn* and *ghayn* and *mīm*—appear with closed loops in this document. The pointing of the *fāʾ* and *qāf* and the representation of the *tashdīd* follow the orthographic conventions of Maghribī script in the manuscript. These conventions have been changed to comply with standard orthography. The orthography of the *hamzah* and the *maddah*, which deviates from that of standard orthography, has not been changed. Consonantal diacritics that appear in the manuscript are reproduced according to standard orthography. Consonantal diacritics that are not marked in the manuscript—either because they were not originally supplied or because they have vanished—are restored in the edition of the text. All vocalization signs that appear in the manuscript are reproduced.

Arabic Transcription

1 ... [ʔ]ويتفضʔ[ل] مقتضاه بالاذان في الصوامع والصلاة في المساجد واقلا[م]ة [ا]لخطبة في الجمع والا[عـ]ـيادِ وغير ذ[لك] ...

2 ... [أيـ]ـة دوا[بّ و]لا غير ذلك من [ا]لكلف الا ان حدث فساد في بعض البلاد التي من بلنسية الى بيار فله حشدهم لذلك وعلى ان يكـ[ـونو]ا مُأَمنِين [ʔفيʔ]

3 [ʔنفوسهم وأموالهمʔ... فلا اعتر[ا]ض عليه في مـ[ـكِهِ ومَن كان من خواص الناس ووجوههم فيخفر في البر

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والبحر ويوصل الى م[قصـ]وده من ا[ل]بلاد و[الاقاليم] و

4 [الحصون والقصاب والمدن والقرى والسواحل والموانى ... ويحـ]كم في [النـ]و[از]ل الحادثة بعد انقضا الامَدِ بينهم وبين النصارى بشهادة شاهدين مرضيين مسلمٍ ونصـ[را]ني ولا بو[ا]حد فما فوقه من ا[لشهود]

5 ...[ولا يحكَمُ بتأديبه إ]ن اخـ[في أ]سيراً من المسلمين وان يجبر على صاحبه الاسير ان عُثِر عليه وعلى الملك ايده اللّه قتل من يغير على المسلمين] فـ[لـ]و قتله مسلم [سَقَطَ *or* حُقِنَ]

6 [قتلُهُ *or* دمُهُ ...وان يُ]كلف المسلمين بنآءً في القصبة ويكونون على اختيارهم في بنآءِ سور الجفنةِ والمدينة ⟨و⟩لا يجبرون عليه ولا يمنعون منه وعلى انَ يبادى للملكِ [*sic*]

7 [ببناء القصبة والأسوار ... من] قبل ولَه زكاة الماشية على سنةِ للمسلمين [*sic*] ولا يبقى رسم من رسوم القبالاتِ المحدثة في [الا]سواق برسم السور وغيـ[ـر ذلك]...

8 ... [ولزم الـ]ملك ايده اللّه هذه المعاهدة على شروطها والملكة المعظمة دونة إيأُليش ولزم ذلك ايضا ابنه الا[فـ]ـ[نـ]ت د[و]ن أدفونش وجميع عقيبه

9 ... [وحلفو على الوفاء بها بالجميع] مـ[ن المملكة باللّه العظيم [و]بالصليب والانجيل وبكل ما لا يصح الحنث للحالف به في ملته والتزم الملك ايده [اللّه و]خليفه الا[فا]نت ابنه و[خلـ]فا[ئه]

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10 [ʔبالجميع ما ذكر ولزم القائدين أعزهما اللّه هذه المعاهدة على شروطها ولزم ذلك أيضاً من كان من خواص الناس ووجوه ʔ شʔاطبة وما [ʔاليʔ]ها والزموها من وراءهم من طبقات الناس وحلفوا على الوفاءِ بها باللّه الكَ[ريم ʔومحمد رسَوله صلى اللّه عليه وسلّمʔ]

11 [ʔوبالقرآن الذى أنزل عليه والتزم القائدان اعزهما اللّه وجميع عقيبهماʔ... با]لجميع ما ذكر [با]للّه سل[بحا]نه وكل من حضر وكتب القايدان اعزهما اللّه وسا[ئ]ر من حضر اسماءهم اسفل [أستصدر] في [يو[م الاحد الخام]س [وال]عشر[ين لشهر ذي الحجة]

12 [عام أحد وأربعين وستمائة ... و]ذَلك لل[ما]ك [ايا]ده اللّه وان يبقى بايدي المسلمين كل مَا بايديهم من اسَارى النصارى في الامدِ وبعده <و>لا يعترضون في [الامد وبعده]...

17-18 [ʔشهد على ذلكʔ *(first name)*] ومحمد بن احمد بن محمد بن احمد بن عيسى الانصاري ومحمد بن عبد الله بن يعقوب ومحمد بن طلحة بن يعقوب بن طلحة [?] وعبد السلام بن يوسف

1 اقا[ا]مة – MS بالادان :بالاذان – MS مقتضاه :مقتصاه MS. عير :غير – MS [ا]لحطبه :[ا]لخطبة – MS اما[ا]مه

2 مُأَمنِين :مُأَمنِبن MS: so in MS for مؤمّنين.

3 فيخفر :فيخفر – MS اعتر[ا]ص :اعتر[ا]ض MS. هيخفر

4 في :في MS – بعد :بعد MS – انقضا :so in MS for انقضاء – MS نصر[ا]ني :نصر[ا]ني – MS مرضيين :مرضيين MS. This word is split apart by a vertical tear running down the page. بو[ا]حد :بو[ا]حد

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5 يغير: يعبر MS – فن[م]ن: فم[م]ن MS – قتله : متله MS.

6 بنآءٌ: so in MS for بناءً – في: مي MS – بنآءِ: so in MS for بناء – سور : so in MS for سوري – المدينة: المدنية MS – يجبرون: يحبرون MS – يبادى: يبادى MS – للملك: so in MS for الملك.

7 قبل : قبل MS – سنة للمسلمين : so in MS for سنة المسلمين.

8 عقيبه: عفيبه MS.

9 بالصليب: بالصلبب MS – يصح : بصح MS – التزم: النزم MS.

10 من وراءهم: On this expression see Reinhart P.A. Dozy, *Supplément aux dictionnaires arabes*, 3d edn. 2 vols. (Leiden: 1967), II 798.

11 الجميع: [ا]لحميع MS – دكر: ذكر MS – القإيدان: so in MS for القائدان – اسمآءهم : so in MS for اسمائهم – اسفل: اسعل MS.

12 ذَلك: دَلك MS – يعترضون: يعترصون MS – في: مى MS.

Transliteration

1 … [ʾwa-yatafaḍḍaʾ]lu muqtaḍāhu bi-al-adhān fī al-ṣawāmiʿ wa-al-ṣalāh fī al-masājid wa-iq[ā]mat [a]l-khuṭbah fī al-jumaʿ wa-al-a[ʿ]yād wa-ghayr dhā[lika] …

2 … [ayya]t dawā[bb wa-]lā ghayr dhālika min [al-]kulaf illā in ḥadatha fasād fī baʿḍ al-bilād allatī min Balansiyah ilá Biyār fa-lahu ḥashduhum li-dhālika wa-ʿalá an yak[ūnū] muʾammanīn [ʾfīʾ]

3 [ʾnufūsihim wa-amwālihimʾ … fa-]lā iʿtir[ā]ḍ ʿalayhi fī mil[ki]hi wa-man kāna min khawāṣṣ al-nās wa-wujūhihim fa-yukhfaru fī al-barr wa-al-baḥr wa-yūṣalu ilá ma[qṣ]ūdihi min a[ʾl-bilāʾ]d wa-[ʾal-aqālīmʾ] wa-

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4 [ʾal-ḥuṣūn wa-al-qiṣāb wa-al-mudun wa-al-qurá wa-al-sawāḥil wa-al-mawānīʾ … wa-yuḥ]kamu fī [al-na]w[āzi]l al-ḥādithah baʿda inqiḍā al-amad baynahum wa-bayna al-naṣārá bi-shahādat shāhidayn marḍīyayn muslim wa-naṣ[rā]nī wa-lā bi-w[ā]ḥid fa-mā fawqahu min a[l-shuhūd]

5 … [ʾwa-lā yuḥkamu bi-taʾdībihi iʾ]n akh[fá a]sīr min al-muslimīn wa-an yujbara ʿalá ṣāḥibihi al-asīr in ʿuthira ʿalayhi wa-ʿalá al-malik ayyadahu Allāh qatl man yughīru ʿalá al-muslimī[n] fa-[la]w qatalahu muslim [ʾsaqaṭaʾ *or* ʾḥuqinaʾ]

6 [ʾqatluhuʾ *or* ʾdamuhuʾ … ʾwa-an yuʾ]kallifa al-muslimīn bināʾan fī al-qaṣabah wa-yakūnūna ʿalá ikhtiyārihim fī bināʾ sūr al-jafnah wa-al-madīnah <wa->lā yujbarūna ʿalayhi wa-lā yumnaʿūna minhu wa-ʿalá an yubādiya lil-malik [sic]

7 [ʾbi-bināʾ al-qaṣabah wa-al-aswār … minʾ] qablu wa-lahu zakāt al-māshiyah ʿalá sunnah lil-muslimīn [sic] wa-lā yabqá rasm min rusūm al-qabālāt al-muḥdathah fī [al-a]swāq bi-rasm al-sūr wa-ghay[r dhālika] …

8 … [wa-lazima al-]malik ayyadahu Allāh hādhihi al-muʿāhadah ʿalá shurūṭihā wa-al-malikah al-muʿaẓẓamah Dūnah Īʾulīsh wa-lazima dhālika ayḍan ibnahu al-i[f]ā[n]t D[ū]n Adfūnsh wa-jamīʿ ʿaqībihi

9 … [ʾwa-ḥalafū ʿalá al-wafāʾ bihā bi-al-jamīʿʾ mi]n al-mamlakah billāh al-ʿaẓīm [wa-]bi-al-ṣalīb wa-al-injīl wa-bi-kulli mā lā yaṣiḥḥu al-ḥinth lil-ḥālif bihi fī millatihi wa-iltazama al-malik ayyadahu [Allāh wa-]khalīfuhu al-i[fā]nt ibnuhu wa-[khula]fā[ʾuhu]

10 [ʾbi-al-jamīʿ mā dhukira wa-lazima al-qāʾidayn aʿazzahumā Allāh hādhihi al-muʿāhadah ʿalá shurūṭihā wa-lazima dhālika ayḍan man kāna min khawāṣṣ al-nās wa-wujūhʾ Sh]āṭibah wa-mā [ʾilayʾ]hā wa-alzamūhā man warāʾahum min ṭabaqāt al-nās wa-ḥalafū ʿalá al-wafāʾ bihā billāh al-ka[rīm ʾwa-Muḥammad rasūlihi ṣallá Allāhu ʿalayhi wa-sallamʾ]

11 [ʾwa-bi-al-Qurʾān alladhī unzila ʿalayhi wa-iltazama al-qāʾidān aʿazzahumā Allāh wa-jamīʿ ʿaqībuhumāʾ … bi-a]l-jamīʿ mā dhukira [bi]llāh su[bḥā]nahu wa-kull man ḥaḍara wa-kataba al-qāʾidān aʿazzahumā Allāh wa-sā[ʾi]r man ḥaḍara asmāʾuhum

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asfala [ustuṣdira] fī [ya]w[m al-aḥad al-khāmi]s [wa-al-]ʿishr[īn li-shahr Dhī al-Ḥijjah]

12 [ʿām aḥad wa-arbaʿīn wa-sitt miʾah … wa-]dhālika lil-[mali]k [ayya]dahu Allāh wa-an yabqá bi-aydī al-muslimīn kull mā bi-aydīhim min asārá al-naṣārá fī al-amad wa-baʿdahu <wa->lā yaʿtariḍūna fī [al-amad wa-baʿdahu] …

17-18 [ʾshahida ʿalá dhālikaʾ *(first name)*] wa-Muḥammad ibn Aḥmad ibn Muḥammad ibn Aḥmad Ibn ʿĪsá al-Anṣārī wa-Muḥammad ibn ʿAbd Allāh ibn Yaʿqūb wa-Muḥammad ibn Ṭalḥah ibn Yaʿqūb ibn Ṭalḥah (?) wa-ʿAbd al-Salām ibn Yūsuf …

Translation

1 … [ʾThe king shall deign to grantʾ] his demand for the call to prayer from minarets, prayer in the mosques, and the performance of the Friday sermon on Fridays, on feast days, and the like …

2 … [ʾThe king shall not demandʾ an]y pack animals or any other obligations. However, if there is a revolt [*fasād*][1] in the territory from Valencia to Biar, he [the king] shall call them [i.e., the townsmen of Játiva] for military service for that purpose. [It is agreed] that they [the Jativans] shall be granted crown protection [ʾwith respect toʾ]

[1] In Spanish Arabic *fasād* can mean a breach of promise, destruction, harm, massacre, ruin, rout, and deflowering (Federico Corriente, *A Dictionary of Andalusi Arabic*, Handbuch der Orientalistik, 29 [Leiden: 1997], s.v. *f-s-d*). This word appears in a number of North African treaty documents (Alarcón and García, *Documentos*, docs. 1, 2, 3, 12, 24, 69, 75, 103, 131 [*afsād*], 140 bis, and 161) and conveys the general sense of "breach," "infraction," "violation," "a state of disorder," or "disturbance." The term can denote both "a breach of promise" or "a violation of the terms of a treaty" and "the commission of acts of destruction." Ibn al-Qalānisī employs both usages of the term in a single sentence: "In view of the numerous disorders (*fasād*) caused by the Franks living in Tyre, Acre, and the coastal ports after their retreat from Damascus, and their violation (*fasād*) of the terms of the treaty which they had agreed upon with Muʿīn al-Dīn, by carrying out acts of destruction (*fasād*) in the districts of Damascus, it became necessary for the *amīr* Muʿīn al-Dīn to march on their territories at the head of the army of Damascus, in order to carry out raids and cause destruction in them" (Abū Yaʿlah Ḥamzah Ibn al-Qalānisī, *Dhayl Taʾrīkh Dimashq*, ed. H.F. Amedroz [Leiden: 1908], pp. 303-304). To convey the dual meaning of "a violation of the terms of a treaty" and "the commission of acts of destruction," I have translated *fasād* here as "revolt."

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3 [?person and chattels.?] ... There shall be no interference with regard to one's property. Any person from among the people of distinction and their leading men shall be protected [while traveling] by land and by sea and shall be escorted to his destination, whether [?territory?], [?regions?],

4 [?castles, citadels, cities, towns, coastlands, or harbors.?] ... In lawsuits[2] filed after the period [of the agreement] between them [the Muslims] and the Christians, one shall receive a judicial decision on the basis of testimony of two approved male witnesses, one Muslim and one Christian—but not on the basis of one male witness—and if there are more witnesses than that ...

5 ... [?It is also agreed that one shall not be liable to punishment if?] he harbors a Muslim captive, but the captive shall be restored to his master if he is found. It is incumbent upon the king—may God support him!—to execute anyone who makes an attack[3] on the Muslims. And if the attacker should be killed by a Muslim, [?the Muslim may not be killed?].

6 ... The Muslims shall be responsible for construction on the citadel, and they may do as they like with respect to work on the outer wall of the city and on the city <wall>; they may not be compelled to do it, nor are they prohibited from doing so. [It is also agreed] that he [the ruler of Játiva] shall inform the king

7 [?about construction on the citadel and the walls ... It is also agreed that a tax (or taxes) shall be continued?] as before. He [the king] shall receive the tax on livestock according to the *sunnah* of

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[2] The term *nāzilah* (pl. *nawāzil*) is synonymous with *daʿwá* (pl. *daʿāwá* or *daʿāwin*) and refers to a legal claim. A *nāzilah* or *daʿwá* is an action at law in which a plaintiff presents a claim that is adjudicated by a judge. Such a claim may or may not involve another party. Since many did, however, and since the proceedings at court referred to in line 4 certainly did, the term *nawāzil* is here translated as "lawsuits." On *nāzilah* and *daʿwá*, see Dozy, *Supplément aux dictionnaires arabes*, II, 670; Émile Tyan, "*Daʿwā*," *EI²*, II, 170-172; Joseph Schacht, *An Introduction to Islamic Law* (Oxford: 1964), pp. 189-191; Donald P. Little, "Two Fourteenth-Century Court Records from Jerusalem Concerning the Disposition of Slaves by Minors," *Arabica*, XXIX (1982), 16-49. On the use of different legal terms in the Maghrib and the Mashriq, see Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunnī uṣūl al-fiqh* (Cambridge: 1997), p. 147.

[3] On the meaning of the verb *yughīru ʿalá*, see below p. 175.

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the Muslims, [but] a certain *qabālah*-tax recently imposed on the markets for wall [maintenance] and the like shall not remain [in force] ...

8 ... [The] king—may God support him!—[shall be bound to] this agreement by [all of] its articles, as shall the exalted queen, Dona Yoles. His son, the Infant Don Alfonso, and all of his descendants shall also be bound to it.

9 ... [?and they shall take an oath of fidelity to it in all of?] the kingdom. By God Almighty; by the Cross and the Gospel; by all that by which perjury by the oath-taker is prohibited in his community. The king—may God support him!—and his successor the Infant, his son, and his successors shall undertake

10 [?all that has been specified. The two *qā'id*s—may God glorify them!—shall be bound to this agreement by all of its articles. The people of distinction and the leading men of? J]átiva and its district [?shall also be bound to it?], and they shall make it binding on men of lower rank. They [i.e., the leadership of Játiva] shall take an oath of fidelity to it [the agreement]. By God, the Gen[erous; ?by Muḥammad his Messenger—may God bless him and grant him salvation!;?]

11 [?by the Koran which was revealed to him. The two *qā'id*s—may God glorify them!—and all of their descendants ... shall undertake?][4] all that has been specified. By God, praise Him! The two *qā'id*s—may God glorify them!—and the rest of those present whose names are below attended [the proceedings] and drew up [this document]. [Issued on Sunday the] twen[ty-fifth of the month of Dhū al-Ḥijjah]

12 [in the year 641 (5 June 1244) ... and] that belongs to the king—may God support him! The Muslims shall retain possession of their Christian captives during the period [of the agreement] and after it, [and] they [the captives] shall not object [to this] during [the period of the agreement and after it.] ...

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[4] The reconstruction of the section of the oath that has not survived is based on Alarcón and García, *Documentos,* doc. 75.

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17-18 [?Witnessed by?]: [*first name*], Muḥammad ibn Aḥmad ibn Muḥammad ibn Aḥmad Ibn ʿĪsá al-Anṣārī, Muḥammad ibn ʿAbd Allāh ibn Yaʿqūb, Muḥammad ibn Ṭalḥah ibn Yaʿqūb ibn Ṭalḥah (?), and ʿAbd al-Salām ibn Yūsuf ...

The Arabic Text Clarified: Introductory Protocol

No elements of the introductory protocol of the Arabic text of the charter survive. Gone are all pious introductory formulas. There is no declaration specifying the nature of the document, nor is there any indication of the duration and date of commencement of the charter's terms. No promulgating or mandating formulas with the names and titles of the contracting parties remain. The al-Azraq treaty offers the best model to follow for a plausible reconstruction of these lost elements, since surrender agreements probably followed a common form, and the al-Azraq treaty is the closest exemplar to this treaty in time and place.

Like the al-Azraq treaty, the interlinear version of the Arabic text of the Játiva treaty was written by a scribe in the Arabic department of James's chancery, not by a scribe in the Islamic chancery of Játiva. Even so, it probably adhered to the standard conventions of Islamic chancery practice and followed a common format. The text doubtless began with the normal introductory invocation, the *basmalah* ("In the name of God, the Merciful, the Compassionate"). The *taṣliyah* ("May God bless our Lord Muḥammad and his family") probably followed the *basmalah*, separated by a wide space. The *expositio*, designating the nature of the document, came next immediately below the *basmalah* and *taṣliyah*. The charter was most likely identified as an "agreement" (*muʿāhadah*), since it is designated as such in line 8. This portion of the document can therefore be restored with some degree of certainty as, *hādhihi muʿāhadah karīmah* ("This is a noble agreement"). An essential feature of a *muʿāhadah* is that both parties to the agreement are mutually bound to comply with the agreement, and the agreement entails duties and obligations, as well as privileges and rights. The mandating clause, *amara bihi* ("He [the king] enjoined [him] to do it"), is likely to have followed the *expositio* with the king's name (the subject of the clause) and his appropriate titles, or *intitulatio*, in tow. After the *intitulatio* came the *inscriptio* with the honorific titles of the ruler of Játiva.

The main body of the document followed these introductory formulas. Like the al-Azraq treaty, this portion of the text probably consisted of a principal clause which stated that an agreement had

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been made between the two parties for a specific period of time from a fixed date, followed by a long series of subordinate noun clauses stipulating the provisions of the agreement. Our text is deprived of the main clause of the body of the document, but many of the provisions of the agreement survive (lines 1-7), as well as the oaths by which both parties to the treaty swore before God to adhere to the stipulations of the agreement and by which the contents of the document were validated and solemnized (lines 8-11). Also preserved are the concluding formulas (lines 11-12), three addenda to the agreement (line 12), and the witness list (lines 17-18). The date of the agreement, introduced by the clause *ustuṣdira fī* ("issued on"), is almost entirely obliterated. This loss, however, is not critical, since the date of the agreement, June 5, appears in the Latin text, and the year of the agreement (1244) can be determined from other sources. This Christian date corresponds to Sunday, 25 Dhū al-Ḥijjah 641 of the Muslim calendar, which began at sundown on June 4 and ended at sundown on June 5. The duration of the agreement—two years—is also known from other sources, so its loss in the Arabic text is not vital to reconstructing this item of the treaty.[5]

The disappearance of the entire introductory portion of the Arabic charter is unfortunate, but the main body of the text—containing the terms of agreement—is by far the most significant part of the document. About half of this crucial section does survive, and the important articles contained therein offer a representative sampling of the provisions of the treaty as well as some surprises.

The Terms of Agreement

Line 1 grants religious freedom in its institutional expressions: "The king shall deign to grant his demand for the call to prayer from minarets, prayer in the mosques, and the performance of the Friday sermon on Fridays, on feast days, and the like." Recognition of the ritual practices of Islam by the Christians would have been uppermost in the minds of the Muslims of Játiva. Such a guarantee is likely to have been one of the first provisions listed in the document. Hence, the first surviving line of the Arabic text is probably near the beginning of the main body of the document listing the terms of agreement. Muslim communities that surrendered to James commonly re-

[5] James I, *Llibre dels feyts*, c. 353.

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quested that the call to prayer be safeguarded, and James routinely guaranteed that it would be in surrender agreements. As a public profession of the Islamic religion, the call to prayer fostered Muslim solidarity and permitted a vanquished community to survive "in a mosque-filled milieu unchanged to the careless eye."[6] The religious freedom granted to the Jativans also safeguarded the fivefold daily prayer, together with the *khuṭbah* on Fridays and on canonical feasts.

Line 2 grants exemptions from military obligations unless there is a local revolt. The first stipulation pertains to the provisioning of pack animals and other unspecified requirements: "The king shall not demand any pack animals or any other obligations." This provision may relate to the *sukhrah* (Catalan *sofra*), or public works, especially to repairs on fortifications and military provisioning, normally imposed upon Mudejars.[7] The second stipulation regards military service: "However, if there is a revolt from Valencia to Biar, he [the king] shall call them [i.e., the townsmen of Játiva] for military service for that purpose." A requirement of military service is demanded of the Jativans, but only if there is a Muslim revolt in the region of Valencia below the Guadalaviar River (modern Turia). The king here is being generous. No offensive service is required, only defensive service in case of a Muslim uprising within the confines of a specific territory. The Muslims are not required to engage in military service outside the southern region of the kingdom of Valencia. This provision corresponds to a similar proviso in line vi of the Latin text.

The line ends with a provision granting the Muslims crown protection: "They [the Jativans] shall be granted crown protection." The king is conferring here a general pledge of security (Arabic *amān*, Latin *guidaticum*, Aragonese *guyage*, Catalan *guiatge*) upon the inhabi-

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[6] Burns, *Muslims, Christians, and Jews*, p. 284. On James's guarantees to safeguard the call to prayer and Christian objections to this outward display of the Islamic religion, see Burns, *Islam under the Crusaders*, pp. 187-191; Burns, *Muslims, Christians, and Jews*, pp. 65, 66, 76; and Mark D. Meyerson, *The Muslims of Valencia in the Age of Fernando and Isabel: Between Coexistence and Crusade* (Berkeley: 1991), pp. 43-44.

[7] On the labor service designated as *sofra*, from the Arabic *sukhrah*, see Burns, *Medieval Colonialism*, pp. 162-173; and Burns, *Muslims, Christians, and Jews*, pp. 67-71. On the use of pack animals, particularly mules, in James's campaigns, see Donald J. Kagay, "Army Mobilization, Royal Administration, and the Realm in the Thirteenth-Century Crown of Aragon," in *Iberia and the Mediterranean World of the Middle Ages*, II, 110-111.

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tants of Játiva.[8] The past participle of Form II of *amina (mu'ammanīn)* is employed to indicate the new status of the people of Játiva as a protected subject community. This provision provides clear evidence that the condition of the Jativans has been transformed as a result of this treaty: from a state of independence to the status of protected people. The term *mu'ammanīn* ("those under the protection [of the king]" or "those given protection by means of an *amān*") defines the Jativans as Mudejars for the first time and established 1244 as the year Játiva became a subject community.[9] Although the line breaks off after *mu'ammanīn*, it was probably followed by the phrase *fī nufūsihim wa-amwālihim* ("with respect to person and chattels").[10] Accordingly, this phrase has been restored to the text.

Line 3 provides details on the *amān* granted to the Jativans pertinent to the security of immovable property: "There shall be no interference with regard to one's property." The term *milk*, to designate "property" here, indicates immovable, rather than movable, property, or chattel (*māl*, pl. *amwāl*). If the above restoration of the *amān* is accepted regarding the protection of chattels, then both movable and immovable property are being safeguarded by virtue of this agreement.

Line 3 also guarantees protection for the principal men of Játiva while traveling throughout James's realms and beyond: "Any person from among the people of distinction or their leading men shall be protected [while traveling] by land and sea and shall be escorted to his destination." This stipulation of the *amān* not only secures freedom of travel for the important people of Játiva, but it also guarantees a degree of protection seldom made explicit in pledges of security.

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[8] In a recent study of the *guidaticum*, or safe-conduct, in medieval Arago-Catalonia, Robert I. Burns describes general safe-conducts which were issued to whole communities in order to guarantee their protection after a surrender or to encourage those people who had fled in the wake of war to return ("The *Guidaticum* or Safe-Conduct in Medieval Arago-Catalonia: A Mini-Institution for Muslims, Christians and Jews," pp. 51-113). The term *guidaticum* is derived from Arabic *widād*, meaning love, affection, or friendship. On the use of this term in medieval Islamic diplomatics, see Alarcón and García, *Documentos*, docs. 38, 48, 100, 129, 132, 150. The plural of the verbal noun, or *maṣdar*, of the root *w-d-d* (*awdād*) appears in line twelve of the Arabic text of the al-Azraq treaty; see above in chapter three, and Corriente, *Dictionary of Andalusi Arabic*, s.v. *w-d-d*.

[9] On Mudejar status, see Pedro Chalmeta, "Mudéjar," *EI²*, VII, 286-289. On Mudejar communities in the realms of Aragon, see Robert I. Burns, "Muslims in the Thirteenth-Century Realms of Aragon: Interaction and Reaction," in *Muslims under Latin Rule, 1100-1300*, ed. James M. Powell (Princeton: 1990), pp. 57-102.

[10] For a similar passage, see Alarcón and García, *Documentos*, doc. 3: *wa-yakūnū mu'ammanīn fī nufūsihim wa-amwālihim.*

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Grants of protection—whether Christian or Islamic—rarely specify a protective escort, or actual physical accompaniment under guard. Hence, the level of protection guaranteed here is probably of a very high order. Given the hostile climate generated by the Valencian crusade, such an enhanced level of protection was probably necessary, both to assure the Jativans of the king's good faith and to ensure that the king's *amān* would not be violated by his Christian subjects. The restoration of the prepositional phrase that follows "one's destination," *min al-bilād wa-al-aqālīm wa-al-ḥuṣūn wa-al-qiṣāb wa-al-mudun wa-al-qurá wa-al-sawāḥil wa-al-mawānī*, is an attempt to reproduce the sense of the original text; it makes no claim to verbal accuracy.[11]

The conferral of crown protection is reiterated in the Játiva charter of 1252 which specifies that every resident is to be put under royal protection and safe-conduct forever throughout "all our jurisdiction, to go, return, or stay, on land or sea or fresh water." A general *guidaticum*, or pledge of protection, survives in fragmentary form in the Latin text of the treaty. Line vii permits the Jativans "[to go] to places where they want to go" and to depart from and return to the city in order to recover property. These same guarantees are echoed in a general *guidaticum* issued by James's son King Peter in 1276 to the Muslims of Chulilla, so that the inhabitants of Chulilla might return to their homes "and cultivate and own there all the farms and possessions in perpetuity that you used to have before the present war occurred between Christians and Saracens."[12] The king's campaign to take Játiva doubtless turned many Muslims in the surrounding region into refugees. By granting a pledge of security to the inhabitants, the king has attempted to minimize the disruptive effects of war on the economy of Játiva and its surrounding agricultural district.

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[11] On Christian and Islamic pledges of security, see Shihāb al-Dīn Aḥmad b. ʿAlī al-Qalqashandī, *Ṣubḥ al-aʿshá fī sināʿat al-inshāʾ*, ed. Muḥammad ʿAbd al-Rasūl Ibrāhīm, 14 vols. (Cairo, 1331-1338/1913-1919), XIII, 321-351; Muḥammad b. al-Ḥasan al-Shaybānī, *Kitāb al-siyar al-kabīr* (*The Islamic Law of Nations: Shaybānī's Siyar*), ed. and transl. Majid Khadduri (Baltimore: 1966), pp. 17-18, 158-194; Gian Piero Bognetti, "Note per la storia del passoporto e del salvocondotto," *Studi nelle scienze giuridiche e sociali* (Università di Pavia), XVI (1931), 269-322; XVII (1932), 125-210; XVIII (1933), 247-481; Muḥammad Ḥamīdullāh, *The Muslim Conduct of State*, 2d edn. (Lahore: 1945), pp. 117-122, 192-194, 200-203; Majid Khadduri, *War and Peace in the Law of Islam* (Baltimore: 1955), pp. 107, 115, 163-169, 171-177, 225, 243; Wansbrough, "The Safe-Conduct in Muslim Chancery Practice," pp. 20-35; Burns, "*Guidaticum*;" and Joseph Schacht, "Amān," *EI*[2], I, 429-430.

[12] Burns, "*Guidaticum*," p. 69. A transcription of this *guidaticum* is in Guinot Rodríguez, *Cartes de poblament*, pp. 359-360, doc. 173 (26 October 1276).

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Line 4 stipulates that judgments in lawsuits between Muslims and Christians made after the period of agreement will be decided on the basis of testimony of two approved male witnesses, one Muslim and one Christian: "In lawsuits filed after the period [of the agreement] between them [the Muslims] and the Christians, one shall receive a judicial decision on the basis of testimony of two approved male witnesses, one Muslim and one Christian—but not on the basis of one male witness." The Játiva charter of 1252 stipulates that the *ṣāḥib al-madīnah* (Catalan *salmedina*), or city prefect, was to adjudicate lawsuits brought by Christians against Muslims. This confirms that jurisdiction over civil matters involving Muslims and Christians fell to the *maẓālim* court. This court also adjudicated noncapital criminal charges.[13] Capital cases were reserved for the king's justice. One could appeal a judgment either to the king "or to another *qāḍī* of the Saracens according to your law." The *ṣāḥib al-madīnah* was required by this provision to make a judgment in favor of the plaintiff if the plaintiff could prove his claim by corresponding testimonies given by the two male witnesses, one Muslim and one Christian. Such testimony provided one form of legal proof (*bayyinah*) that was admissible in court and became binding on the *ṣāḥib al-madīnah* in the adjudication of lawsuits involving Muslims and Christians.

The line ends with a statement pertaining to cases in which more than two male witnesses provide testimony: "If there are more witnesses than that ..." The line comes to an abrupt end here with no clue as to what would occur if the number of witnesses exceeded two. The 1252 Játiva charter mandated the application of Islamic legal procedures in Muslim-Christian lawsuits: "If any Christian brings a complaint against a Saracen, he is to take legal satisfaction in the court of your *ṣāḥib al-madīnah* [and] according to the *sunnah* of the Saracens." In Christian usage, "the *sunnah*" referred to Islamic law broadly defined. The *sharīʿah* provided the essential framework, but it was augmented by the *maẓālim* system of justice, and both legal systems were supplemented and interpreted according to local social customs and values. According to the *sharīʿah*, judicial decisions in lawsuits concerning property and obligations could be decided on the basis of testimony of the following: (1) two men; (2) one man and two women; or (3) one man corroborated by an oath of the plaintiff. In lawsuits in Europe involving a Christian and a non-Christian, it had become standard practice by the twelfth century to require both a Christian and a non-Christian as witnesses. Each litigant would have

[13] On the non-*sharīʿah* courts, known under the term denoting unjust or oppressive actions (*maẓālim*, sing. *maẓlimah*), see J.S. Nielsen, "Maẓālim," *EI²*, VI, 933-935.

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had testimony presented in the lawsuit by a member of his or her own religious group. We can assume therefore that the truncated provision at the end of line 4 contained some sort of formula for achieving parity between Muslim and Christian witnesses in court cases adjudicated by the *ṣāḥib al-madīnah.*

Line v of the Latin text of the treaty contains a provision prohibiting Christians from bringing lawsuits against Muslims during the period of the agreement. Line 4 of the Arabic text offers a fascinating look at the judicial milieu of Játiva in its early post-crusade Mudejar phase following the termination of the two-year peace agreement of 1244. This glimpse into the future confirms evidence from other sources that Muslims under Christian rule in Spain preserved their civil courts and most of the jurisdictions affecting their lives. Muslim judges, acting under the immediate control of, and in the name of, a Christian ruler and his delegates, imposed Islamic law, procedures, and penalties on Muslims and non-Muslims alike.[14]

Line 5 begins with the last part of a provision pertaining to fugitive Muslim captives: "... [if] he harbors a Muslim captive, but the captive shall be restored to his master if he is found." The verb of the opening clause of this provision is partially effaced. It may be restored as *akhfá* (to hide, conceal; to afford someone a place to hide). The stipulation that begins line 5 is apparently formulated as a protasis-apodosis construction. Our surviving fragment consists of the protasis of the sentence: the harboring of a fugitive Muslim captive. The apodosis is absent, but it fortunately survives in the 1252 Játiva charter. The people of Játiva took care to write into their 1252 charter an exemption from punishment for hiding fugitive Muslim captives: "We wish that if any Saracen slave—male or female—will have fled from the power of his master, and he will have been found in the building of any Saracen, that the slave may be taken and removed from that building and returned to his master; but that he, in whose possession

[14] On Muslim witnesses to court proceedings and judicial decisions in a lawsuit, see Émile Tyan, *Histoire de l'organisation judiciaire en pays d'Islam*, 2d edn. (Leiden: 1960), pp. 236-242; idem, "Judicial Organization," in *Law in the Middle East;* vol. 1, *Origins and Development of Islamic Law*, ed. Majid Khadduri and Herbert J. Liebesny (Washington, D.C.: 1955), p. 253; Claude Cahen, "A propos des *shuhūd*," *Studia islamica*, XXXI (1970), 71-79; Robert Brunschvig, "Bayyina," *EI*^{2}, I, 1150-1151; and R. Peters, "Shāhid, (a.) 'witness,'" *EI*^{2}, IX, 207-208. On the office of *ṣāḥib al-madīnah* in Islamic and Christian Spain, see Ibn Khaldūn, *Muqaddimah*, II, 35-37; Burns, *Islam under the Crusaders*, pp. 234-238, 243-244, 246, 259-260, 262-267; and Mohamed Meouak and Pierre Guichard, "Ṣāḥib al-Madīna," *EI*^{2}, VIII, 833-834. The judicial milieu of Mudejar Valencia is treated at length in Burns, *Islam under the Crusaders*, pp. 220-270.

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or in whose building he will have been found, is not to suffer, for reason of that, any penalty in his person or his goods."[15] The apodosis of this truncated provision was therefore a grant of impunity to those hiding fugitive Muslim captives. Consequently, this clause can be restored as: "It is also agreed that one shall not be liable to punishment if he harbors a Muslim captive, but the captive shall be restored to his master if he is found."

The purpose of the provision regarding fugitive Muslim captives—in both its 1244 and 1252 versions—was to guarantee impunity from prosecution, not to require the return of the captives. The Jativans could hide fugitive Muslim captives without fear of punishment, and they were not obliged to return fugitive captives. If a slave was found by his master, according to the Latin text, he "may be recovered for his master," but there was no injunction mandating such action. The possibility was there that he might be recovered, but it was made to seem fairly remote. The Arabic text demands the return of runaway captives if they are found, but the verb *'athara* that is used to express the act of "finding" implies that this is a remote possibility. This verb conveys the sense of a chance occurrence: stumbling upon someone or something by chance or by accident. Neither the Latin, nor Arabic, text mandates that any assistance be provided in searching for fugitive captives, whether from government authorities or private individuals. No penalties are prescribed for the people on whose property the captives have sought refuge. The requirement to return captives, found only in the Arabic text, is made contingent on the possibility of the master lighting upon his captive. The intention of this provision is to give tacit support to the letter of the law—the return of runaway captives to their masters—while decriminalizing behavior that appears to have been widespread. Hence, Jativans could hide fugitive Muslim captives with impunity, and those captives finding refuge in Játiva were essentially immune from attempts by their masters to recover them.

When Alcira capitulated to James in 1242, the surrender treaty that was drawn up guaranteed that every Muslim captive who escaped to Alcira would be free. The Alcira pact indicates that James was quite willing to offer generous concessions—like granting impunity to those hiding fugitive Muslim captives—in order to facilitate and hasten surrenders. A provision added at the end of our document in line 12 even grants the people of Játiva the right to retain possession of their Christian captives during the period of the agreement,

[15] Robert I. Burns kindly provided me with the translation of this article from the 1252 Játiva charter.

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and allows them to continue to do so even after the agreement.[16]

The effect of James's concessions to Muslims on the issue of captives was to intensify efforts by Mudejars to assist runaway captives. By offering escaped captives their freedom and by granting impunity to Muslims who harbored them, James gave impetus to Muslim attempts to aid their coreligionists who had suffered capture. Just as there was an "underground railroad" for helping fugitive captives escape to Muslim territory in the Latin East, Játiva was probably one of the centers of refuge in Islamic Spain for fugitive Muslim captives.[17]

The provision offering impunity to those hiding fugitive Muslim captives is followed by a stipulation pertaining to attacks on Muslims: "It is incumbent upon the king—may God support him!—to execute anyone who makes an attack on the Muslims." Form IV of the verb *ghāra* that appears in this sentence means to make a raid, or a hostile or predatory incursion (*ighārah* or *ghārah*), into the territory of an enemy.[18] This provision clearly refers to organized violence conducted against the Muslims of Játiva, not to a street brawl or a petty altercation. Immediately following this provision is a fragmentary proviso: "If the attacker should be killed by a Muslim ..." The line is effaced after this point, so the apodosis of this conditional sentence cannot be known. The apodosis has provisionally been restored as,

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[16] On captives in medieval Spain, see James W. Brodman, *Ransoming Captives in Crusader Spain: The Order of Merced on the Christian-Islamic Frontier* (Philadelphia: 1986); and Theresa M. Vann, "The Matter of the Muslim Captives and the Town of Moya," *Mediterranean Studies*, VI (1996), 39-50. Ellen G. Friedman's *Spanish Captives in North Africa in the Early Modern Age* (Madison: 1983) deals with a later period, but many of her findings are relevant to the condition of Christian captives during the thirteenth century. Captives have been a permanent feature of warfare. Today in the Yemen various tribal groups take foreign diplomats and tourists captive in order to settle land disputes with the central government (John Lancaster, "'Kidnapping in Yemen is Hospitality': Tribesmen Use Captive Foreigners as Well-Treated Pawns in Disputes with Own Government," *Washington Post*, 16 May 1997, A27-A28). On the surrender treaty of Alcira see James I, *Llibre dels feyts*, c. 330.

[17] Usāmah ibn Munqidh recounts that the Muslims of Acre provided shelter to fugitive Muslim captives and escorted them to Muslim territory (Usāmah ibn Munqidh, *Kītāb al-I'tibār*, ed. Qāsim al-Sāmarrā'ī [Riyadh: 1987], p. 104). Meyerson has marshaled evidence that suggests that a network existed for the purpose of abetting escaped Muslim slaves in the kingdom of Valencia during the fifteenth century (*Muslims of Valencia*, pp. 83, 224, 255-256). Such a network doubtless had deep roots in the past. The Alcira surrender treaty of 1242, which guaranteed that every Muslim captive who escaped to Alcira would be free, doubtless gave impetus to a network to assist in the rescue of fugitive Muslim captives in Spain. On the Alcira treaty, see chap. 5, note 21 above.

[18] Edward William Lane, *An Arabic-English Lexicon*, 8 vols. (London and Edinburgh: 1863-1893), s.v. *gh-w-r*. Both Castilian and Catalan employed the loan word *algara* (from the Arabic *al-ghārah*) to refer to a raid.

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"the Muslim may not be killed," but other restorations are possible, such as "the Muslim may not be liable to punishment," or "blood-money is due."[19] The containment of intercommunal violence by preventing blood feuds between Christians and Muslims is clearly the intention of this provision.

Line 6 allows the Muslims to undertake construction on the citadel and the walls of Játiva: "The Muslims shall be responsible for construction on the citadel, and they may do as they like with respect to work on the outer wall of the city and on the city <wall>." The citadel (*al-qaṣabah*) that is referred to here is the larger castle of Játiva, not the smaller castle which is to be handed over at this time to the king. The expression that denotes the outer wall of Játiva is *sūr al-jafnah*. Like many cities in Islamic Spain, Játiva had concentric defenses. These defenses consisted of a high inner wall which had massive projecting towers at regular intervals and a low outer circuit wall, also with towers. The lower outer wall was commanded by the high massive walls and towers of the inner circuit, so that any assailant could be subjected to missiles projected from both defensive circuits.

The word *jafnah* (pl. *jifān*) that refers to the outer wall signifies a vine stock, while *jafn* (pl. *ajfān, jufūn*) may designate an eyelid, a scabbard or sheath of a sword, or a wall. An eyelid, a scabbard, and a wall all offer some type of protection. Even a word that refers to a vine stock (*jafnah*) may designate a protective device. Vine stalks were used in the Middle Ages to make protective screens (Arabic *sitārah*, pl. *satā'ir*; Catalan *cleda*, pl. *cledes*). Such screens were utilized to shield infantry forces, siege machines, fixed fortifications, and ships from enemy missiles. Since *jafnah* may suggest the idea of protection, it is appropriately used here to refer to the outer wall of the city, which serves to protect the main wall. In the Islamic West, an outer wall was commonly identified by the term *sitārah*. This word, which had originally referred to a protective screen, took on the meaning of an outer curtain in Spain and the Maghrib. The Castilian cognate *acitara* and the Portuguese and Aragonese cognate *azitara* also denote a wall. Dozy notes that Ibn al-Khaṭīb uses the tern *jafn* in two passages to refer to a city. If this meaning is accepted, the phrase, *sūr al-jafnah*, may designate the main wall of Játiva, not its outer wall. The meaning of *jafn* as "city," however, is probably a semantic extension of the term's older meaning as an outer wall of a city. The term probably

[19] For the injunction, "if a Muslim should kill someone, blood-money is due" *(falaw qatalahu muslimun wajabat al-diyatu)*, see al-Qalqashandī, *Ṣubḥ*, XIII, 323.

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became associated with "city," because by passing through the *jafn* (or *jafnah*) of a city, one entered the city itself.[20]

A pair of standardized formulas follow the provision regarding construction on the urban defenses of Játiva: "They [the Jativans] may not be compelled to do it, nor are they prohibited from doing so." Permitting the Jativans to undertake military constructions was a significant concession, since any augmentation of the urban defenses could be used to good advantage in a future revolt. Even in peacetime, formidable urban defenses could enhance a city's diplomatic bargaining power. Clearly James was aware of this.[21] His account of

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[20] On the meaning of *jafn* and *jafnah*, see Dozy, *Supplément aux dictionnaires arabes*, I, 201; Lane, *Arabic-English Lexicon*, s.v. *j-f-n*; Corriente, *Dictionary of Andalusi Arabic*, s.v. *j-f-n*. The use of vine stalks in the construction of protective screens is discussed in the *Taktika* of Nikephoros Ouranos (Eric McGeer, *Sowing the Dragon's Teeth: Byzantine Warfare in the Tenth Century* [Washington, D.C.: 1995] pp. 158-159). Even if vine stalks were not used in the construction of protective screens, the resemblance of trellised rows of vines to a protective screen may have led to the association of vine stalks with such a protective device, as is the case in Latin (P. G. W. Glare, *Oxford Latin Dictionary* [Oxford: 1982], s.v. *vinea*; Flavius Vegetius Renatus, *Epitoma rei militaris*, ed. and trans. Leo F. Stelten [New York: 1990], 4.15). On the use of protective screens in premodern warfare, see Paul E. Chevedden, "The Citadel of Damascus," 2 vols., Ph.D. dissertation, University of California, Los Angeles, 1986, I, 194-197; idem, "The Artillery of King James I the Conqueror," in *Iberia and the Mediterranean World,* II, 79 and pl. 12; Joseph Needham and Robin D. S. Yates, *Science and Civilization in China*, vol. 5, *Chemistry and Chemical Technology*, pt. 6, *Military Technology: Missiles and Sieges* (Cambridge: 1994), pp. 398-413; A. W. Lawrence, *Greek Aims in Fortification* (Oxford: 1979), pp. 59, 64, 103-105. Outer walls as part of the defensive planning of medieval fortifications in Spain are discussed in Leopoldo Torres Balbás, "Barbacanas," *Al-Andalus*, XVI (1951), 454-480. On *sitārah* and its cognates as "outer wall," see Torres Balbás, ibid.; Dozy, *Supplément aux dictionnaires arabes*, I, 429; Corriente, *Bundle*, 2.15.1. The protective screens were designed to shield walls from enemy missiles discharged from trebuchets. On this type of artillery, see Paul E. Chevedden, Les Eigenbrod, Vernard Foley, and Werner Soedel, "The Trebuchet: Recent Reconstructions and Computer Simulations Reveal the Operating Principles of the Most Powerful Weapon of its Time," *Scientific American* (July 1995), 66-71.

[21] In the Eastern Mediterranean, by contrast, the construction or reconstruction of fortifications was often prohibited in treaties ratified between the Mamlūk sultans al-Ẓāhir Baybars and al-Manṣūr Qalā'ūn and various Christian rulers. On such bans against defensive constructions, see the treaty of Baybars with the Hospitallers in 669/1271 (al-Qalqashandī, *Ṣubḥ,* XIV, 49), the treaty of Qalā'ūn with Bohemond VII of Tripoli in 680/1281 (Muḥyī al-Dīn Ibn ʿAbd al-Ẓāhir, *Tashrīf al-ayyām wa-al-ʿuṣūr fī sīrat al-Malik al-Manṣūr,* ed. Murād Kāmil [Cairo: 1961], p. 211), the treaty of Qalā'ūn with the Templars in 681/1282 (Ibn ʿAbd al-Ẓāhir, *Tashrīf,* p. 22), the treaty of Qalā'ūn with the Latin Kingdom in 682/1283 (Ibn ʿAbd al-Ẓāhir, *Tashrīf,* p. 41; al-Qalqashandī, *Ṣubḥ* XIV, 56), the treaty of Qalā'ūn with King Leon III of Lesser Armenia in 684/1285 (Ibn ʿAbd al-Ẓāhir, *Tashrīf,* p. 101), and the treaty of Qalā'ūn with the Lady Margaret of Tyre in 684/1285 (Ibn ʿAbd al-Ẓāhir, *Tashrīf,* p. 109). On the above treaties see, P. M. Holt, *Early Mamluk Diplomacy (1260-1290): Treaties of Baybars and Qalāwūn with Christian Rulers* (Leiden: 1995).

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the negotiations to surrender Játiva indicates that he was apprehensive about leaving Abū Bakr in a position of strength behind the formidable fortifications of Játiva. When presented with Abū Bakr's proposal to surrender the smaller castle of Játiva immediately while retaining the larger one for two years, James deliberated carefully before reaching a decision. He sought the counsel of Queen Violant, who advised him to accept Abū Bakr's offer and "not to delay for one castle or two."

After the king's counselors all agreed with the queen's advice, James was won over and accepted Abū Bakr's terms. His memoirs express great confidence: "I thought to myself that when the smaller castle was surrendered to me, then the larger one could no longer remain in his [the *qā'id*'s] hands." Yet James appears to have been quite anxious about conceding a strong military position to Abū Bakr. The king, however, was in no position to haggle "for one castle or two" since his own military situation precluded a long siege. There were other regions to conquer and international ventures that beckoned. These included James's desire to reestablish his dynasty's hold on southern France and to lead a crusade to the Holy Land. These concerns impelled James to grant generous concessions to Abū Bakr in order to win the prize of Játiva. He did have hope, however, that an agreement with Abū Bakr would work. With the crusader tide rolling over Islamic Spain, Abū Bakr had very few political options. Fully aware of this, James sought to transform the ruler of Játiva into a loyal ally.[22]

Four years before this treaty was ratified, James had required the *qā'id* of Játiva and "the hundred more notable men of the town" to participate in a public ceremony in which they formally accepted James as their "lord."[23] This demonstration of loyalty resembled the Islamic *bay'ah* (or *mubāya'ah*), the formal act by which allegiance was pledged to a ruler, regardless of the very different ways the two parties may have interpreted such recognition.[24] The surrender of Játiva in 1244 would have occasioned a far more elaborate ceremony of submission than was performed in 1240. This ceremony would have entailed the acceptance of the surrender terms accompanied by oaths

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[22] James I, *Llibre dels feyts*, caps. 353-354: "que no u alonguets per .I. castell ni per .II."

[23] Ibid., c. 327: "los meylors .C. homens"; "per senyor."

[24] On the Islamic *bay'ah*, see Émile Tyan, "*Bay'a*," *EI*^{2}, I, 1113-1114; Ibn Khaldūn, *Muqaddimah*, I, 428-430; Roy P. Mottahedeh, *Loyalty and Leadership in an Early Islamic Society* (Princeton: 1980), pp. 40-62; and Burns, *Islam under the Crusaders*, pp. 179-180, 284-288.

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of ratification by the notables of the city (see below). Oaths of allegiance to the king would then have been made by the ruler of Játiva and by the urban notables. Thus, by virtue of this treaty, the ruler of Játiva entered into a tributary alliance with the king. James granted royal protection to the *qā'id* and people of Játiva, and in return the *qā'id* became a vassal-ally of the king.

The king appears to have gained public acknowledgment of Játiva's Mudejar status by granting the Jativans considerable autonomy: the right to rebuild their military defenses. It was a Devil's bargain for the king, but fortune favored the bold in this case. Abū Bakr, no less than the king, also entered into a Devil's bargain. He too had some reason to hope that his gamble—recognition of the king's authority—might pay off. Having secured the right to undertake construction on Játiva's military defenses, he sought to safeguard his power base as best he could in the hope that future events would turn in his favor. Both parties danced with the Devil, confident that necessary concessions could be turned to advantage in the future.

The final provision in line 6 speaks of some notification or information that the king is to receive: "He [the ruler of Játiva] shall inform the king ..." This clause may also be read as *wa-ʿalá an yunādiya lil-malik* ("[It is also agreed] that he shall make an announcement to the king."). Note however the absence of a superscript dot that would indicate the presence of a *nūn*. The information that the king is to obtain cannot be determined because the line breaks off at this point. Whether one reads the verb as *yubādiya* or *yunādiya*, it seems likely that Abū Bakr is being required to inform the king about any construction work undertaken on the urban defenses of Játiva. This truncated provision has therefore been restored as: "He [the ruler of Játiva] shall inform the king about construction on the citadel and the walls."

Line 7 begins with the phrase, "as before," perhaps referring to the continuation of some tax or taxes, since the clause immediately following notes the preservation of Muslim fiscal institutions: the retention of the tax on livestock. This clause reads: "He [the king] shall receive the tax [*zakāt*] on livestock according to the *sunnah* of the Muslims."[25] The word *sunnah* in the phrase, *sunnat al-muslimīn*, appears to reflect a Christian, rather than a Muslim, understanding of the term. *Sunnah* basically refers to ancestral custom or a hereditary norm of conduct. While this meaning of the terms was never lost, Islam replaced pagan Arabian custom with the custom or *sunnah* of the

[25] On the tax on livestock in the crusader kingdom of Valencia, see Burns, *Medieval Colonialism*, pp. 153-162.

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Prophet Muḥammad, as determined by his words, actions, and silent approval. In Arago-Catalonia, scribes misapplied the term *sunnah* to signify the totality of laws by which a Muslim community was governed, or to indicate the sacred law of Islam, the *sharīʿah*. Either of these two meanings of the word appears to be applied to *sunnah* in line 7. Since the *zakāt* on livestock was part of the sacred law of Islam, it should have been implemented according to the *sharīʿah*, not the *sunnah*, of the Muslims. The fact that the text reflects Christian, rather than Muslim, convention indicates that it was formulated by the Arabic department of James's chancery, not by the Islamic chancery of Játiva.

Line 7 specifies that a tax for repairs on Játiva's fortifications will be abolished: "a certain *qabālah*-tax recently imposed on the markets for wall [maintenance] and the like shall not remain [in force]." The term *qabālah* (pl. *qabālāt*) refers to a form of tenancy in which the landlord (an individual or the state) was paid a fixed rent for the lease of land. On agricultural estates, the lease-holder (*mutaqabbil*) either cultivated the land himself or sublet the land to others. Any revenue obtained from the contracted land above the fixed rent owed to the landlord was retained as profit by the *mutaqabbil*. When the land was sublet by the *mutaqabbil*, this agent acted as a tax-farmer. He collected the rents from the contracted land, paid the landlord an agreed upon fixed sum, and pocketed the difference.[26]

Documentary evidence from Egypt indicates that the term *qabālah* referred to a unit of agricultural land, not to a particular method of taxation, such as tax-farming. The root from which this word is derived, *q-b-l*, is associated with the basic notion of accepting and receiving. Frantz-Murphy has observed that *qabālah*, the verbal noun of *q-b-l*, denotes in Egyptian documents "the thing accepted or received"; that is, a "tenancy." The term *qabālah* therefore referred to a piece of land or property occupied by a tenant. The term does not connote the contractual status of the property for tax purposes, but there is nothing to preclude the possibility that the tenancy had a particular contractual status for the purpose of taxation.[27] If *qabālah* designated a tenancy in an agricultural context, it may have been

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[26] Ziaul Haque, *Landlord and Peasant in Early Islam: A Study of the Legal Doctrine of Muzāraʿa or Sharecropping* (Islamabad: 1977), pp. 285-309; and Claude Cahen, "Ḳabāla," *EI²*, IV, 323-324.

[27] Gladys Frantz-Murphy, *The Agrarian Administration of Egypt from the Arabs to the Ottomans* (Cairo: 1986), pp. 92-95. Løkkegaard's assumption that *qabālah* indicated a tax farm is not supported by the documentary evidence (Frede Løkkegaard, *Islamic Taxation in the Classical Period* [Copenhagen: 1950], pp. 92-108). For a bibliography on *qabālah*, see Cahen, "Ḳabāla," *EI²*, IV, 323-324.

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used to refer to a tenancy in an urban context. All the shops in the main markets (*aswāq*) of Islamic cities were subject to a tax by the government. These shops, when designated for tax purposes, may have been referred to as tenancies or *qabālāt*. If so, might the *qabālah*-tax recently imposed on the markets in Játiva refer to a tax-rental on shops? Information provided in the Latin text of the treaty renders this conjecture unlikely.

The Latin text stipulates that the Jativans are to "give the revenues of the shopping quarter [*almagzem/almacén*] entirely" to the new Christian regime (line xi). These "revenues" may be the normal tax-rentals paid by the shopkeepers of Játiva, assessed at one silver besant per year in the 1252 charter. Note however the caution above in chapter seven, where the Latin may refer to the *makhzanī* or revenues due to the central Islamic administration. Whether a tax-rental or a tax due to a ruler, such a revenue source would have been exploited under Islamic, as well as under Christian, rule. Our *qabālah*-tax, however, is a recent impost, introduced by the Muslims and abolished by the Christians. It is highly unlikely to have been either a tax-rental or a tax due to a ruler. Considering the short life span of the *qabālah*-tax, it may have been an extraordinary levy imposed at the time that King James laid siege to Játiva. The king commonly included tax exemptions as part of his surrender terms, and an emergency impost would have been a prime candidate for elimination. If so, the *qabālah*-tax may correspond to the dues assessed for the saltworks and olive presses that are canceled in the Latin text (line 13).

In Spain and the Maghrib the term *qabālah* was associated with special revenues, generally of *mukūs*, that were collected especially in towns. The *qabālah*-tax was placed on the sale of salt, assessed on public baths, and applied as customs duties.[28] Al-Idrīsī's twelfth-century account of the *qabālah*-tax levied on the markets of Marrakech during the Almoravid period makes it clear that it was an excise tax on manufactured goods.[29] Excise taxes could be used to expand the

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[28] Évariste Levi-Provençal, *Histoire de l'Espagne musulmane*, 3 vols., [illegible] ln. revised (Paris: 1967), III, 39, 270, 301, 430; Mohamed Talbi, *L'Émirat aghlabide 184-296/800-909* (Paris: 1966), pp. 320, 661; Hady Roger Idris, *La Berbérie orientale sous les Zīrides, X^e-XII^e siècles*, 2 vols. (Paris: 1962), II, 615; J.F.P. Hopkins, "Ḍarība, (2) West," *EI²*, II, 145-146; and Claude Cahen, "Ḳabāla," *EI²*, IV, 323-324.

[29] Al-Idrīsī states that most of the manufactured goods in Marrakech were subject to the *qabālah*. An official known as the *mutaqabbil* collected the revenue from the various markets, such as the Incense Market (*sūq al-dukhān*), the Soap Market (*sūq al-ṣābūn*), the Brass Market (*sūq al-ṣuff*), and the Spindle Market (*sūq al-maghāzil*) (Abū ʿAbd Allāh Muḥammad al-Idrīsī, *Description de l'Afrique et de l'Espagne*, ed. Reinhart Dozy and M. J. De Goeje [Leiden: 1866], p. 70). Corriente defines *qabālah* as an excise tax (Corriente, *Dictionary of Andalusi Arabic*, s.v. *q-b-l*).

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tax system in order to collect more money in periods of emergency, such as times of siege. The recently imposed *qabālah*-tax in the Játiva treaty is therefore likely to have been an excise tax. Moreover, this tax may have been the same revenue demand that was revoked in the Latin text: the tax on the saltworks and olive presses.

If the *qabālah*-tax levied in Játiva was an excise tax placed on the saltworks and olive presses, is it possible to determine how such a tax was collected? Since the Romance cognates of *qabālah* (Castilian *alcabala;* Catalan *gabella*; French *gabelle*; Italian *gabella*; Occitan *gabela*) refer to revenue farming, the *qabālah*-tax may have been collected by tax-farmers. Geoffrey Khan suggests that the terms *qabālah* and *ḍamān* (tax-farming) were used interchangeably to refer to "the fixed sum which the tax farmers guaranteed to pay to the government," but the evidence he presents to support his claim is not conclusive.[30] The *qabālah* may simply have been linked with *ḍamān* because in a substantial number of cases these taxes were collected by tax-farmers. Since Catalan *gabella* was derived from Castilian *alcabala*, and not directly from Arabic *qabālah*, the Catalan term and usage may not have been identical with the Arabic term and usage. Did the Castilian identification of *alcabala* with tax-farming reflect Castile's own customary practices, rather than Muslim convention? Or, were *qabālāt* so frequently collected by tax-farmers in Islamic Spain that Castilians viewed them solely in the context of tax-farming?

The Castilian, and later Catalan, borrowing of the term *qabālah* as a tax-farm may reflect the deformative effects produced by one society's assimilation of an alien cultural element from another society. An analogous case is the Catalan assimilation of Arabic *sukhrah*, or public works (especially repairs on fortifications and military provisioning), with Catalan *sofra*. The Catalan term gradually became identified with Latin *opera*, or various servile works for one's lord, and was regarded as a tax obligation, not a community activity.[31] Unfortunately, there is no direct evidence to indicate how the *qabālah*-tax was collected. It may have been collected by a tax farmer or directly by a government official.

The abolition of the *qabālah*-tax for repairs on fortifications provided financial relief to the people of Játiva. The new Christian tax system imposed on Játiva probably proved to be less burdensome than that of the Almohad sovereigns and the local rulers who re-

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[30] Geoffrey Khan, "A Copy of a Decree from the Archives of the Fāṭimid Chancery of Egypt," *Bulletin of the School of Oriental and African Studies*, XLIX (1986), 446.

[31] On the *sofra*, see note 7 above.

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placed them.[32] Although the king generally included tax reductions as part of his surrender terms, here it seems that such concessions were dictated by the strong bargaining position and residual fighting capability of Abū Bakr. James was compelled to grant these financial concessions in order to persuade the Jativans to surrender.

The Oaths of Ratification

Lines 8 to 11 contain the oaths of ratification of the treaty. The Christian oath is followed by the Muslim oath. Each oath adheres to a standard format, consisting of three parts: (1) an opening formula which identifies the party to the agreement, affirms the binding character of the agreement, and indicates that an oath will be taken to ratify it; (2) the oath formulas consisting of the invocation of God, and the invocation of the Cross and the Gospel for the Christian party, or the invocation of Muḥammad and the Koran for the Muslim party; and (3) a closing formula guaranteeing that the stipulations of the treaty will be carried out by each of the parties.

Line 8 contains the opening formula of the oath of the Christian party: "The king—may God support him!—[shall be bound to] this agreement by [all of] its articles, as shall the exalted queen, Dona Yoles. His son, the Infant Don Alfonso, and all of his descendants shall also be bound to it." The implications of the Arabic transliteration of the queen's name as *Dūnah Ỉ'ulīsh* have been considered above in chapter seven.

The identification of additional members of the Christian party would certainly have been made in the portion of line 9 that is no longer extant. Line 9 presently begins with the phrase, "of the kingdom." This phrase probably came at the end of a sentence declaring that the Christian party would ratify the terms of the treaty by an oath. The sentence has been restored as: "They shall take an oath of fidelity to it in all of the kingdom." This statement is followed by the oath formulas: "By God Almighty; by the Cross and the Gospel; by all that by which perjury by the oath-taker is prohibited in his community." The Christian oath of ratification concludes with the closing formula: "The king—may God support him!—and his successor the Infant, his son, and his successors shall undertake all that has been specified."

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[32] On the oppressive taxes of the last Almohads and the local rulers who replaced them, see Burns, *Islam under the Crusaders,* p. 28; and Burns, *Medieval Colonialism,* pp. 21, 104, 205.

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Line 10 contains the oath of ratification of the Muslim party. The name of the city, Játiva, begins the line. The missing portion of text preceding the word "Játiva" may have designated the two *qā'id*s of Játiva, and the notables of the city and its surrounding district, who are charged here with the obligation to fulfill the terms of the treaty. This portion of the text has been restored as: "The two *qā'id*s—may God glorify them!—shall be bound to this agreement by all of its articles. The people of distinction and the leading men of Játiva and its district shall also be bound to it." The leadership of Játiva was required to compel all of the townsmen to abide by the treaty: "They shall make it binding on men of lower rank." The leadership of Játiva is next enjoined to ratify the treaty by an oath: "They shall take an oath of fidelity to it [the agreement]."

Surrender ceremonies conducted by King James commonly involved community participation and, in some cases, included an oath on the Koran sworn by all legally competent men of the locality surrendering. James recounts that oaths were imposed on all the townsmen of Villena and Alcira. At the surrender of Villena in 1265, "all [the townsmen], from twenty years and up, swore to me that they would observe what they had agreed to in this treaty."[33] At the surrender of Alcira in 1242, James requested that "all the sheikhs [*veyls*] and the rest of the people" be assembled outside the town "to swear fidelity to me, and to promise to be loyal to me and to mine [my descendants] and to my men." On the day of the surrender, "all the sheikhs came out to me and swore on the book of the Koran."[34] At the surrender of Elche in 1265, it was not James who demanded full community participation in the surrender ceremony, but the notables of the town. After "the sheikhs and notables [*meylors hòmens*], some fifty in number," had declared that they and all the people of the town would faithfully observe the terms of surrender and had signed the deeds of surrender and had taken their oath of allegiance, they implored James to stay until the next morning so that "all the Saracens of the town would come to me" to formally receive the conditions in writing and to surrender the strongest tower of the town's defenses.[35] Although James does not mention a community oath being administered on the following morning, it is likely that one

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[33] James I, *Llibre dels feyts*, c. 412; Burns, *Islam under the Crusaders*, p. 179; and Burns, "How to End a Crusade," 146.

[34] James I, *Llibre dels feyts*, caps. 330-331; Burns, *Islam under the Crusaders*, p. 179; and Burns, "How to End a Crusade," 146.

[35] James I, *Llibre dels feyts*, caps. 420-421; Burns, *Islam under the Crusaders*, p. 179; and Burns, "How to End a Crusade," 146.

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was, since the ceremony entailed the formal acceptance of the surrender terms. At other surrenders conducted by James, an oath was imposed only on the notables of a locality. On Minorca, for example, "all the principal and notable men [*los majors e·ls meyllors*] of the island swore on the Koran." The surrender ceremony on Minorca—comprising the drawing up of the documents and the oath on the Koran—required three full days to complete, due principally to the large number of notables: some three hundred in all.[36]

Since Islamic law recognized the individual alone as being endowed with a legal personality, a Muslim theoretically could only be obligated to fulfill the terms of a treaty by an oath (*yamīn*) sworn before the other party to the treaty. With no legal theory of corporations (the recognition of public bodies as legal personalities), Islam lacked municipalities that could swear on behalf of their members. In most cases individual oaths were too cumbersome or too impractical a mechanism by which to make political enactments, such as treaties, binding on a community, so Islam found it expedient to employ agents (*awliyāʾ*) to administer oaths, or created a legal procedure whereby only the notables of a community swore fidelity to a treaty. When urban notables swore to abide by a treaty, they did so not because they could legally obligate their followers by their oaths, but because they could be expected to elicit the cooperation of their followers, who were bound to them by ties of loyalty.[37]

For Muslims surrendering to King James, the ritual solemnity of a community oath served to safeguard and reinforce the royal commitment to protect the subject Islamic community. For James, it signified the incorporation of a new subject society into his international Christian kingdom. Because it was a bulwark of protection, just as much as it was an instrument of submission, the community oath found favor with conqueror and conquered alike.

The oath formulas of the Muslim party begin at the end of line 10. Most of them are now missing, but a tentative restoration is possible: "By God the Generous; by Muḥammad his Messenger—may God

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[36] James I, *Llibre dels feyts*, caps. 121-123; Burns, *Islam under the Crusaders*, pp. 174, 179; and Burns, "How to End a Crusade," 146. Al-Marrākushī describes in detail the oath-taking ceremony that proclaimed and recognized Yūsuf al-Mustanṣir as ruler of the Almohad caliphate in 1214. Full community participation was required for this oath of allegiance: "The notables [*khāṣṣah*] took the oath of allegiance on Thursday, the Almohad *shaykhs* and the rest of the royal family on Friday, and the general populace [of Marrakech] on Saturday" ('Abd al-Wāḥid al-Marrākushī, *Kitāb al-muʿjib fī talkhīṣ akhbār al-Maghrib*, ed. M.S. al-ʿUryān [Cairo: 1949], p. 326; Hugh Kennedy, *Muslim Spain and Portugal: A Political History of al-Andalus* [London 1966], p. 258.

[37] Mottahedeh, *Loyalty and Leadership*, pp. 52, 62, 123.

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bless him and grant him peace!; by the Koran which was revealed to him." The Muslim oath of ratification concludes with the closing formula, of which only the last part has survived. It has been restored as: "The two *qā'id*s—may God glorify them!—and all of their descendants … shall undertake all that has been specified. By God, praise Him!"

Concluding Formulas

The concluding formulas of the treaty follow the oaths of ratification. The first formula designates the parties who were present at the treaty deliberations and who drafted the document: "The two *qā'id*s, may God glorify them, and the rest of those present whose names are below attended [the proceedings] and drew up [this document]." This statement confirms that the two *qā'id*s of Játiva enlisted the legal expertise of at least five officials—listed as witnesses in lines 17 and 18—to draft the document. Once the Arabic draft was agreed upon by both contracting parties to the treaty, the text was reproduced in its interlinear form by a scribe in the Arabic department of King James's chancery. The final formula, which is almost entirely effaced, contains the date of the document: "[Issued on Sunday the] twen[ty-fifth of the month of Dhū al-Ḥijjah in the year 641 (5 June 1244)]." Judging from the space available at the end of line 11, the year of the date was probably written at the beginning of line 12.

Addenda to the Treaty

The last surviving line of the main body of the document, line 12, contains three addenda to the agreement. It begins with a clause that ends with the words, "and that belongs to the king—may God support him!" This provision confirms the king's ownership of some item or property in Játiva. This may have been the palace or town house that the king acquired in the city as the result of the 1240 treaty. The clause that follows this grants the Muslims the right to retain possession of their Christian captives during the period of the agreement and afterwards: "The Muslims shall retain possession of their Christian captives during the period [of the agreement] and after it." An additional clause stipulates that the captives "shall not object [to this] during …" Unfortunately the line breaks off here after the preposition *fī* ("during"). The prepositional phrase introduced by *fī* probably matched the prepositional phrase in the preceding provision: "during

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the period [of the agreement] and after it." Accordingly, the provision has been restored as: "They [the captives] shall not object [to this] during the period of the agreement and after it."

The position of the last three provisions of this treaty—following the concluding formulas of the document—indicates that they were inserted into the agreement at the eleventh hour. On Minorca, a last-minute levy on butter and on cattle transport was inserted into the surrender treaty, to the advantage of the Christians.[38] Such eleventh-hour provisions were probably not uncommon in James's treaties with Muslims, as one or both parties sought to secure advantages at the last minute. However, James makes no reference to any provisions of this type that conceded rights or privileges to surrendering Muslims. Our treaty contains two eleventh-hour concessions to the Jativans that are truly extraordinary. The Jativans were allowed to keep their Christian captives, and the captives were prohibited from raising an objection to their state of captivity. The Jativans pressed these concessions on James at the last minute, knowing that he was not likely to haggle over this matter. Delay in granting these concessions might have seen the surrender agreement unravel. To ease the pain of yielding to Muslim demands, James recalled in his memoirs the old saying, "He who doesn't give what hurts, doesn't get what he wants."[39] In this case, permitting the Jativans to retain their Christian captives caused James no hurt at all. It did, however, impair the financial advantage of his barons. In addition, James was cognizant of the fact that the captivity of Christian knights, not their release, could further his own designs. At Játiva, he used the captivity of six Christian knights as a pretext for laying siege to the city. By giving in to Muslim demands on the issue of Christian captives, James skillfully shifted the hurt incurred by this act onto his barons and at the same time enticed the Jativans into accepting subject and subordinate status in his international Christian kingdom. The subjugation effected by the king conceded significant autonomy to the Muslims of Játiva within the framework of the new dominant society. This allowed the Mudejars to go on with life as if very little had changed. Subsequent events were to prove that a seismic change had occurred in 1244, yet for a time there was little to indicate that the earth had moved.

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[38] James I, *Llibre dels feyts*, c. 121; Burns, *Islam under the Crusaders*, p. 169; and Burns, "How to End a Crusade," 143.

[39] James I, *Llibre dels feyts*, c. 244; Burns, *Islam under the Crusaders*, p. 161.

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Witness List

The witness list begins on line 17 and terminates on line 18. The letters are executed in a bolder and heavier style than the compact and slender letters of the text of the document. Deep sublinear flourishes and long ligatures dramatize the importance of the witnesses. The names were written by the scribe who drew up the document and not by the witnesses themselves. Four of the original five names of the witnesses are extant: (1) Muḥammad ibn Aḥmad ibn Muḥammad ibn Aḥmad Ibn ʿĪsá al-Anṣārī, (2) Muḥammad ibn ʿAbd Allāh ibn Yaʿqūb, (3) Muḥammad ibn Ṭalḥah[40] ibn Yaʿqūb ibn Ṭalḥah(?), and (4) ʿAbd al-Salām ibn Yūsuf. The first witness is the uncle of Abū Bakr Muḥammad Ibn ʿĪsá al-Khazrajī, the *qā'id* of Játiva.[41] The other witnesses—all unknown—are apparently high officials or leading men (*wujūh*) of Játiva. Muḥammad ibn Aḥmad's name is made up of three elements—personal name (*ism*), genealogy (*nasab*), and generic epithet (*nisbah*)—while all the other names consist of an *ism* and *nasab* only. The Almohad practice of using biblical names (Yaʿqūb, Yūsuf, ʿĪsá), and Ancient Arabian or early Islamic names (Muḥammad, Aḥmad, ʿAbd Allāh, ʿAbd al-Salām, Ṭalḥah) is clearly in evidence.[42] Neither the listing, nor the signatures, of witnesses had any legal effect in Islamic law. The surrender treaty of Játiva was validated by oaths, not by the testimony of witnesses.[43]

Conclusion

The 1244 Játiva treaty represented a successful bargain for both sides. Játiva surrendered on a qualified basis and salvaged considerable powers of autonomy. James accepted a "cheap victory" because no better alternative was in sight; he could not afford a "costly victory." Both sides determined that the prolongation of fighting would not serve their interests. Political, economic, and military constraints moved both parties to accept a compromise peace.

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[40] I thank Michael Fishbein for suggesting the reading of Ṭalḥah.

[41] For the House of the Bānū ʿĪsá, see Figure 3 below in chapter 11.

[42] Kennedy, *Muslim Spain and Portugal*, p. 206, note 13.

[43] Jeanette Wakin, ed., *The Function of Documents in Islamic Law: The Chapters on Sales from Ṭahāwī's Kitāb al-Shurūṭ al-Kabīr* (Albany, N.Y.: 1972), p. 66; and Geoffrey Khan, *Arabic Legal and Administrative Documents in the Cambridge Genizah Collections* (Cambridge, Eng.: 1993), p. 29.

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Abū Bakr probably feared that the continuation of resistance would result in a less favorable outcome in the future. He decided to reach a settlement now while he still retained substantial bargaining assets. Surrender may also have appeared attractive to him as a means of gaining a temporary respite during which he expected the balance of power to shift in his favor. For Abū Bakr, the peace settlement reflected a momentary disadvantage for Játiva in its struggle with King James; future events might change the final outcome of the conflict.

James was compelled to accept a qualified surrender because the prospects of a better military outcome in 1244 were nil. By attaining a quick surrender without complications, he could obtain some semblance of his objectives without paying the costs that a prolonged siege would require. A quick surrender also allowed him to exploit his victory. With the non-belligerency of Játiva secured, James could immediately push his campaign forward in other parts of Sharq al-Andalus before the Muslims could launch a counteroffensive. Hence, speed in winding up hostilities with Játiva was essential to the forward thrust of James's crusade, and James was ready, in the interest of speed, to meet Játiva's minimum conditions in arranging a peaceful settlement. Offensive momentum, generated by quick and cheap victories, was extremely important for James in order to sustain the morale of his own forces and to enhance his international prestige. The crusade against Islam could only be maintained as long as the costs to society—in terms of human and material resources—were minimized while the benefits to society were maximized. The key to James's political success was that he could offer victory and domination at a cost his realms could bear.

The peace settlement that was ratified does not so much reflect James's military dominance as it does the considerable bargaining assets and the residual fighting capability of Abū Bakr. Since James had not achieved a monopoly of strength, he was in no position to dictate terms. He was compelled, on the contrary, to offer necessary incentives in order to entice Abū Bakr to surrender. The provisions surviving from the Arabic and Latin texts of the treaty indicate that this was the case. The greater part of the provisions pertain to exemptions, privileges, and rights granted to the Jativans; less than a third of the provisions concern duties and obligations of the new subject community (see Figure 2).

Whatever short-term benefits this treaty achieved for both James and Abū Bakr, it could not form the basis for a long-term settlement. The bargain that was reached was inherently unstable because neither side regarded it as a final outcome of the conflict between them.

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In addition, this conflict was part of a wider struggle, and the course of the wider struggle subverted the basis on which the treaty had been concluded. The treaty expressed a momentary balance of bargaining factors between Játiva and King James and between Islam and Christendom in the western Mediterranean, but the balance was bound to shift in one direction or the other. Both sides were ready to exploit the temporary balance created by the settlement to promote their own power objectives. When James was faced in 1247 with a Muslim counteroffensive led by al-Azraq, expediency dictated that he re-establish Játiva's non-belligerency on more permanent foundations by the settlement of Christians inside the city and the relocation of its Muslim population outside the city. This action shattered the 1244 treaty, but important elements of the accord survived in the wreckage. These elements formed the basis for the continued survival of the Muslim community of Játiva for generations to come.

Figure 2 Provisions Surviving from the Arabic and Latin Texts of the Játiva Treaty Rearranged by Theme

Provision	*Arabic*	*Latin*
I EXEMPTIONS, PRIVILEGES, AND RIGHTS		
A Captives		
1 Impunity from prosecution for hiding fugitive Muslim captives	5	
2 Possession of Christian captives guaranteed	12	
3 Prohibition against Christian captives raising an objection to their state of captivity	12	
B Crown Protection: Security of Person and Property		
4 Conferral of crown protection (*amān/guidaticum*)	2	vii
5 Security of movable and immovable property	3	iii, vii
6 "Recovery" by Muslims of some element		ix
C Crown Protection: Travel		
7 Freedom of travel and protective escort guaranteed for the leading men of Játiva	3	vii

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Figure 2 – Continued

Provision	*Arabic*	*Latin*
D Fiscal Exemptions		
8 Abolition of a certain *qabālah*-tax for repairs on Játiva's fortifications recently imposed on the markets (perhaps corresponding to the tax on the saltworks and olive presses mentioned in the Latin text)	7	
9 Abolition of tax on the saltworks		13
10 Abolition of tax on olive presses		13
11 Other unspecified or unrecoverable tax exemptions		13
E Law		
12 Prohibition against Christians bringing lawsuits against Muslims during the period of the agreement		v
13 Lawsuits involving Muslims and Christians are to be adjudicated after the period of the agreement on the basis of testimony of two approved male witnesses, one Muslim and one Christian	4	
14 Rejection of testimony of alien Muslim witnesses in local court cases unless certain conditions are fulfilled		viii
15 Recognition of the validity of Muslim testimony in Christian courts		x
16 Attacks on Muslims are a capital offense	5	
17 A Muslim may not be killed for killing anyone who attacks the Muslims	5	
F Military Matters		
18 Exemption for Muslims from military provisioning, except in case of a local Muslim revolt	2	
19 Exemption for Muslims from military service, except in case of a local Muslim revolt	2	vi
20 Permission to undertake construction on the urban defenses of Játiva	6	

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Figure 2 – Continued

Provision	*Arabic*	*Latin*
G Political Authority and Intra-Community Autonomy		
21 Guarantee of political succession in an orderly fashion		iv
22 Prohibition against Christian residence and shopkeeping in Játiva to preserve Muslim intra-community autonomy		v
H Religion		
23 Freedom of worship	1	
24 Preservation of *waqf* properties		i
II DUTIES AND OBLIGATIONS OF NEW SUBJECT COMMUNITY		
A Fiscal Requirements		
1 Payment of the revenues of the shopping quarter		xi
2 Retention of the tax on livestock	7	
3 Payment of some tax (?)		ix
4 Retention of some tax or taxes	7	
B Military Matters		
5 Obligation of military provisioning, if there is a local Muslim revolt	2	
6 Obligation of military service, if there is a local Muslim revolt	2	vi
7 Obligation to inform the king of any construction work undertaken on the urban defenses of Játiva (?)	6	
C Territorial Concessions		
8 Surrender of castles in the district of Játiva		ii
9 Confirmation of the king's ownership of some item or property (perhaps the palace or town house that the king acquired in Játiva in 1240)	12	

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PART THREE

CULTURES IN NEGOTIATION: NEGOTIATING A CULTURE

"Those who keep their pact when they make one … they are the ones who are sincere, the ones who are God-fearing."

Koran 2:177

"No Saracen ever broke faith with me … except al-Azraq."

King James the Conqueror

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CHAPTER TEN

ʿAHD: MUSLIM/MUDEJAR/MORISCO COMMUNITIES AND SPANISH-CHRISTIAN AUTHORITIES

Míkel de Epalza

This chapter explores an important reality of medieval society in the Iberian Peninsula: coexistence between Muslim subject communities and the dominant Christian society by means of pacts that regulated their mutual relationships. Islamic political thought regarding Muslim pacts with non-Muslims, as well as modern theological doctrine, will be considered in this discussion.[1]

Muslims and Christians were compelled to enter into pacts with one another in order to coexist. An understanding of such pacts is essential for comprehending the dynamics of Muslim-Christian interaction in Iberia during the six centuries during which sizable Muslim communities lived under Christian domination. The numerous pacts (*ʿuhūd*, sing. *ʿahd*) established between Muslims and Christians from the late twelfth century to the early seventeenth century in Iberia created a framework for mutual coexistence and structured the response of subject Muslim communities to the dominant Hispanic society. The survival of these Muslim communities, or *aljamas de moros*, in the Christian society was predicated on the establishment of these pacts. An understanding of the Islamic doctrine of *ʿahd* will help to explain how these agreements were understood by the subject Muslim communities and came to be implemented.[2]

The Mudejars sought to obtain from the Christian authorities the same rights as subject Christian communities had enjoyed under Islamic rule. If they surrendered without fighting (*ṣulḥan*), they expected to be granted security (*amān*), with respect to person and property, guaranteed by a fundamental pact (*ʿahd*), which both parties agreed to

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[1] Transcription from Arabic here conforms to the system explained above in the first paragraph of chapter three. Intra-textual references are to the Koran (Qur'ān). Koranic passages have been translated by Paul E. Chevedden.

[2] See Míkel de Epalza, "Les Morisques, vus à partir des communautés mudéjares précédents" in *Les Morisques et leur temps*, ed. Louis Cardaillac (Paris: 1983), pp. 29-41, esp. 38-40. See a wider view of this problem, in the central period of those medieval Islamic-Christian relations, in Powell, *Muslims under Latin Rule 1100-1300* (cf. above, chap. 9, note 9).

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keep for the sake of mutual interest. This study will present an overview of several Islamic realities—doctrinal realities in their koranic foundations and practical realities in their historical realizations—pertaining to the Islamic notion of pact. Our central thesis is that the conception of *ʿahd* underlay, on the Muslim side, all of the agreements Mudejars reached with the Spanish Christian kingdoms of the Middle Ages, as they entered into new relationships with these states as subject communities. The primacy of *ʿahd* in Christian-Muslim relations is underscored by the fact that the main Mudejar complaint against the Catholic kings who conquered Granada in 1492 and signed capitulations with Muslims was that they did not comply with pacts.[3]

The Meaning of Pact in Arabic

Arabic dictionaries, whether of the medieval or modern language, present an array of definitions for the word *ʿahd* and for the words derived from the triliteral root *ʿ-h-d*, namely: "knowledge," "acquaintance," "fulfillment" (of a promise); "commission"; "commitment"; "responsibility"; "pledge"; "promise"; "oath"; "covenant," "pact," "treaty."[4] The word *muʿāhadah* (pl. *muʿāhadāt*), derived from *ʿ-h-d*, carries the meaning of "agreement," "arrangement," "accord"; "alliance," "treaty," and "pact."[5]

Among the many meanings derived from the root *ʿ-h-d*, the primary one of "pact" is fundamental. A "pact" can be made between God and men or between individuals. In the latter case, relations between Muslim and non-Muslim communities can be governed by a pact. Such was the case in medieval Iberia when subject Muslim communities (Mudejars and Moriscos) entered into pacts with various Christian kingdoms of the peninsula.

This chapter will focus on five historical uses of words derived from the root *ʿ-h-d*, with the aim of understanding the main linguistic and socio-religious dimensions of the pacts made by Mudejars and Moriscos:

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[3] See the recent study by Ángel Galan Sánchez, *Los mudéjares del reino de Granada* (Granada: 1991), esp. pp. 293-355.

[4] For example Federico Corriente, *Diccionario árabe-español*, 2d edn. (Madrid: 1986), p. 540; Hans Wehr, *A Dictionary of Modern Written Arabic*, 4th edn. (Wiesbaden: 1979), s.v. *ʿ-h-d*; and Albert de Biberstein Kazimirski, *Dictionnaire arabe-français* (Paris: 1860), II, 393-396.

[5] Wehr, *Dictionary*, s.v. *ʿ-h-d.*

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1 The concept of *ʿahd* in the Koran.

2 Pacts made by Muslims with Christians in Spain. The peace treaty between ʿAbd al-ʿAzīz b. Mūsá b. Nusayr and Theodemir (called Tudmīr in Arabic) in Rajab 94/April 713, in the Iberian East or Sharq al-Andalus, will receive special attention as an example of such a pact.

3 Christian "pact-makers" (*muʿāhidūn*) or Christian subject communities, in Islamic Spain.

4 *Muʿāhadāt*, or treaties, between Muslim and non-Muslim states, exemplified by treaties between Spain and Muslim countries in the eighteenth century.

5 The *dār al-ʿahd*, or "the Realm of the Pact," a designation given by some Muslim theologians—particular those belonging to the Shāfiʿī school of law—to domains that were neither part of "the Realm of Islam" (*dār al-islām*), regions under Muslim rule, nor part of "the Realm of War" (*dār al-ḥarb*), regions not under Islamic domination.

These five politico-religious realities, different but mutually complementary, will be examined in order to provide some insight into the establishment of pacts and treaties between the Hispanic Christian kingdoms of the Middle Ages and Muslim subject communities (Mudejars and Moriscos).

The Concept of ʿAhd *in the Koran*

Three words derived from the Arabic triliteral root *ʿ-h-d* appear forty-six times in thirty-five verses of the Koran: The verb *ʿahida, yaʿhadu* (six times), with the sense of "settling an alliance," "coming to an agreement," "making a pact"; the verb *ʿāhada* (eleven times) with the sense of "settling" (an alliance), "concluding, coming to (an agreement)," "contracting (a compromise or a pact)," "making a pact"; the noun *ʿahd* (twenty-nine times), with the sense of "alliance," "compromise," "conclusion," "contract," "pact," or "promise."[6]

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[6] See Hanna E. Kassis and Karl I. Kobbervig, *Les concordancias del Corán* (Madrid: 1987), pp. 66-67. The various morphological forms of those three words are in Muḥammad Fuʾād ʿAbd al-Bāqī, *al-Muʿjam al-mufahras li-alfāz al-Qurʾān al-karīm* (Cairo: 1378/1959), p. 492.

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The frequency and wide distribution with which these three words appear is significant. While words derived from *ʿ-h-d* are not the most common words in the Koran, they have a certain importance and significance. They appear in contexts and with meanings that are different, but they all share a semantic core meaning related to the making of a formal agreement. We shall give priority here to pacts between Muslims and non-Muslims.

A pact can be exclusively religious, such as "pacts" with God, especially those made by pre-Islamic biblical figures or by pre-Islamic communities: Adam and his descendants (Koran 20:115; 36:60); Abraham and Ishmael (Koran 2:124-125); Moses and the Egyptians (Koran 7:102, 134; 28:86; 43:49); Jews (Koran 2:100, 183; 6:152); the men who receive revelation through the Holy Books (Koran 19:78, 87) and men examined on doomsday for their fidelity to the pact. In this context, the word *ʿahd* and its derivatives are equivalent to the Christian concept of "testament," which is also expressed in Arabic by means of *ʿahd*: "Old Testament" (*al-ʿahd al-qadīm*) and the "New Testament" (*al-ʿahd al-jadīd*). This extremely important religious notion of "pact" or *ʿahd* between God and human communities, achieved through a mortal functioning as a divine envoy, underlies all koranic references to pacts made by the Prophet Muḥammad with his contemporaries, especially with his opponents. The pacts which the Prophet contracted, in turn, functioned as exemplars and analogical antecedents for later Islamic pacts with non-Muslims.

A second kind of pact in the Koran is the application of the divine pact as made by non-Muslims with Muḥammad. Such pacts establish a global "agreement" that defines the status of social groups, that of Muslims and that of the rest of the socio-religious communities in Medina, in Mecca, and in regions in the Iberian Peninsula. In this sense, the notion of *ʿahd* is equivalent to "constitution" or "fundamental pact." It establishes a juridical order or system. Several texts on pacts with the Jewish communities of Medina or with Christians from Najrān have been preserved by Muslim tradition.[7]

Although we cannot be sure that the wording of these pacts is truly the Prophet's, the conceptions reflected in them do represent the general opinion of Muslims about their relations with non-Muslims.[8]

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[7] Antoine Fattal, *Le Statut légal des non-musulmans en pays d'Islam* (Beirut: 1958), pp. 1-69.

[8] See a "model" of the pact of "protection" or *dhimmah* in al-Shāfiʿī, as transl. in Fattal, *Statut légal des non-musulmans*, pp. 77-81. The notions of *ʿahd* ("pact") and *mīthāq* ("alliance") are present in this text; these notions will appear in al-Andalus, in the treaty of Tudmīr.

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This "constitutional" sense, essential in an Islamic society, is obviously very closely related to the concept of "pact" in the settlement of newly conquered territories (e.g., the treaty of Tudmīr), in the Christians' status in Islamic society (the case of the *muʿāhidūn*, called by historians "Mozarabs" in al-Andalus), in treaties of peace and coomerce that set up permanent relations between Muslims and non-Muslim states (as in the case of Spain and Muslim countries in the eighteenth century), and finally in the Muslims' status under Christian rule (the case of Mudejars and Moriscos in Hispanic kingdoms).

Fidelity to pacts is a virtue recommended negatively—as is the case in many koranic precepts—with a condemnation for those who do not show fidelity to pacts. The consequences are the sowing of discord in the world (Koran 3:76), the suppression of faith and trust between men, and the risk of losing eternal life (Koran 3:77), or danger of attracting war (Koran 8:56-57; 9:1-4). The positive aspect of the obligation to keep pacts is very well expressed among a set of practical obligations defining the good Muslim, sincere and God-fearing:

> Piety does not consist of turning your faces to the East and to the West. True piety is embodied in one who believes in God, and the Last Day, and the angels, and the Scripture, and the prophets; and gives his wealth, however cherished, to kinsfolk and orphans, and to the needy, the wayfarer, and to those who ask, and [gives it also] for the purpose of setting slaves free; and observes proper worship and pays the poor-tax. And those who keep their pact when they make one, and those who are patient in misfortune and adversity and in time of stress. These are the ones who are sincere, the ones who are God-fearing (Koran 2:177).

The Koran: Limits of ʿAhd *for Political Needs*

A general precept of fidelity to what has been agreed is clearly stated in several verses of the Koran. This is particularly true of verses related to a clamorous breaking of a pact, or a truce, by the Prophet Muḥammad himself on the occasion of the Holy Day or pilgrimage to Mecca by various tribes. Muslims had just settled down in Medina, and pagans (*mushrikūn*, "who associate other gods with God") wanted to visit Mecca without fear of attack by Muslims. In the verses of *sūrah* 9 of the Koran, which are believed to have been revealed on this occasion, pagans are upbraided precisely because they have been unfaithful to pacts made with the Islamic community (Koran 9:1-13).

The *sūrah* begins with a denunciation of what had been agreed with the non-Muslims. The initial word *barāʾah* ("denunciation,"

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"disavowal," "nullification") can be translated as a "breaking of a non-aggression pact," "exemption from a promise that had been made" or "end of a compromise":

> Nullification [of obligation] from God and His Messenger [is proclaimed] unto those pagans (*al-mushrikūn*) with whom you have made mutual alliances (Koran 9:1).

The term *mushrikūn* was an epithet referring to "associators" or polytheists, but it was also applied to Hispanic Christians during the Middle Ages. Here it refers to pagan Arabians who had deliberately broken treaties contracted with Muslims.

A punishment is announced next, if the pagans continue in their unbelief and do not repent (Koran 9:2-3), but the text insists that the Muslims will keep their treaties with *mushrikūn* who have lived up to their treaty obligations with Muslims.

> Exempted [from the nullification] are those with whom you have entered into alliance and who have not subsequently failed to fulfill their obligations towards you, nor have aided anyone against you. As for these, fulfill your covenant with them until the end of the term (Koran 9:4).

The *sūrah* continues with terrible threats against *mushrikūn*, but punishment will not be inflicted on those who embrace Islam.

> But if they repent, perform the prayer, and pay the poor-tax, let them go their way (Koran 9:5).

What is more, protection must be given to those who ask for it, even if they are not Muslims.

> If any of the pagans asks you for protection (*jiwār*), grant him protection so that he may be able to hear the word of God, and then escort him to his destination where he can be safe (Koran 9:6).

The Koran expresses its doubts about *mushrikūn* complying with what has been agreed, but keeps insisting that

> So long as they are true to you, be true to them (Koran 9:7).

However, if enemies do not keep their pacts with Muslims—and this is the essential point of the *sūrah*—war will result. Such a war will be in self-defense as well as for the interests of God, of His Messenger, and of His Community.

> If they break their oaths after having concluded a pact, and assail your religion, then fight the leaders of unbelief—for their oaths are nothing to them—in order that they may desist. Will you not fight a people who have broken their oaths, and have intended to drive out the Messenger, and have been the first to attack you? (Koran 9:12-13)

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Although these verses (and others) refer to specific events in Muḥammad's life, they also manifest the fundamental or emblematic Islamic attitude pertaining to the establishment of pacts with non-Muslims. Fidelity to pacts was regarded as normal and traditional in Muslim relations with non-Muslims; the breaking of pacts by engaging in hostilities was seen as the result of disloyalty and treachery on the part of non-Muslims.[9]

According to all commentators and modern historians, the "nullification" of pacts on the occasion of that pilgrimage of non-Muslims to Mecca marks the Prophet's immersion in complex political activity involving treaties and military campaigns. As one of the last texts revealed to Muḥammad, this passage is particularly symbolic and normative. It is impossible to comment comprehensively here on all koranic verses referring to *ʿahd* as pact and to its related meanings. Similarly, our brief analysis precludes an examination of the treaties of the Prophet Muḥammad.[10]

Pacts of Capitulation in Hispania: The Treaty of Tudmīr

As Islamic politico-religious power established itself in new regions during the conquest period, the ratification of pacts with subject communities became essential. Two fundamental realities dominated the issuance of pacts during this period of political conquest, so similar to Muḥammad's situation in the last years of his life in Medina:

1 The *ʿahd* was made in a situation of military superiority. The Muslims, as the dominant power, established the conditions that would regulate future relations between Muslims and non-Muslims within the framework of the now dominant Islamic society.

2 Muslims made the *ʿahd* at the same time in a situation of demographic inferiority in relation to the vast majority of non-Muslim inhabitants in the newly conquered regions.

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[9] See for example the double classic koranic comment by al-Maḥallī and al-Suyūṭī, *Tafsīr al-Jalalayn*, ed. Aḥmad ibn Muḥammad al-Sāwī al-Mālikī, 2 vols. (Cairo: 1360/1941), II, 127-128.

[10] A good summary of the fluctuations in Muḥammad's policy and in that of his first successors, with regard to Jews and Christians, is Muḥammad Ḥamīdullāh, *Le Prophète de l'Islam*, 2 vols. (Paris: 1959), and especially in Fattal, *Statut légal des non-musulmans*, pp. 1-69. Some of the more interesting treaties and letters of Muḥammad preserved by Ibn Saʿd have been presented in W. Montgomery Watt, *Muḥammad at Medina* (Oxford: 1956), pp. 354-361.

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A certain balance of bargaining factors was represented in the pacts established during this period, resulting from Muslim politico-military superiority and the overwhelming demographic dominance of subject communities. This balance was not symmetrical, but it helped to establish settlements that satisfied mutual interests. This is reflected in the texts of the peace treaties concluded during the conquest period.

One of the most important peace accords that has survived from this period is the treaty of Tudmīr made between ʿAbd al-ʿAzīz, the son of the Umayyad governor Mūsá ibn Nusayr, and Theodemir, a representative of local fortress-chiefs in southeastern Spain, an area encompassing the modern regions of Murcia, Alicante, and Valencia.[11] The pact itself transferred political power from the Hispanic Visigoths to the Umayyads from Damascus. The generous terms offered to Theodemir reflect a certain balance of bargaining factors between the Muslims who possessed a dominant military position and the Christians who held a dominant demographic position. The text of the treaty reads:

> In the name of God, the Merciful, the Compassionate. This is a written agreement [*kitāb*] from ʿAbd al-ʿAzīz ibn Mūsá to Tudmīr, son of Ghandarīs, when he entered into a peace [*ṣulḥ*] that he [Tudmīr] shall be under God's pact and under His covenant, and [under] whatever He sent His prophets and His messengers to bring. He shall be under the protection of God—may He be praised and glorified!—and under the protection of Muḥammad—may God bless him and grant him peace! No evil shall be done to him or to his followers of any kind. They [his followers] shall not be taken captive, nor shall they be separated from their wives and their children. They shall not be killed, their churches shall not be burned down, and they shall not be coerced in matters of religion. Their peace agreement [*ṣulḥ*] applies to seven cities—Orihuela [*Ūryūlah*], Mula [*Mūlah*], Lorca [*Lūrqah*], (Guadi) Valentilla [*Balantalah*], Alicante [*Laqant*], Hellín [*Iyyuh*], and Elche [*Ilsh*]—provided that he [Tudmīr] not fail to observe the treaty [*ʿahd*]; that what has been bound shall not be loosed; that he honor what we have imposed on him and obligated him to do; and that he not conceal information from us that he has acquired. It is also incumbent upon him and his followers to pay the annual tribute [*jizyah*]. The tribute imposed upon every freeman is: one dinar, plus four bushels (*amdā'*; sing. *mudy*) of wheat, four of barley, four liquid measures (*aqsāṭ;* sing. *qisṭ*) of vinegar, two of honey, and two of oil. Slaves each pay half that. Witnessed by ʿUthmān b. ʿUbaydah al-Qurashī, Ḥabīb b. Abū

[11] The classic study is Enrique Llobregat Conesa, *Teodomiro de Oriola, su vida y su obra* (Alicante: 1973), which collects the pact versions transmitted by Ibn al-Dalā'ī, by al-Ḥimyarī, and by al-Ḍabbī. On the political scope of the pact see Rubiera/Epalza, *Xàtiva musulmana*, pp. 17-46, and Míkel de Epalza, "Descabdellament polític i militar dels musulmans a terres catalanes (segles VIII-XI)," *Simposium internacional sobre els orígens de Catalunya (segles VIII-XI)* (Barcelona: 1991), I, 49-79, esp. 55-59.

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ʿUbaydah al-Qurashī, Saʿdān b. ʿAbd Allāh al-Rabʿī, Sulaymān b. Qays al-Tujībī, Yaḥyá b. Yaʿmur al-Sahmī, Bishr b. Qays al-Lakhmī, Yaʿīsh b. ʿAbd Allāh al-Azdī, and Abū ʿĀṣim al-Hudhalī. Written in [the month of] Rajab 94 (April 713).[12]

This agreement reflects the Islamic understanding of pacts of capitulation. It might be argued that some of the details do not actually correspond to the early eighth century. Some stipulations may have been added later, even as late as the eleventh century. The very authenticity of such a text may even be questioned.[13] But one thing is certain—the text reflects the politico-religious conventions regarding pacts of capitulation.

These conventions were very much in evidence during the thirteenth century when Muslim communities sought to make pacts with Spanish Christian kingdoms and these states were bringing the greater part of Iberia under Christian domination. Although from the Muslim point of view these conquests had no political or religious legitimacy, the circumstances of establishing surrender treaties are analogous and can be summarized as follows:

1 Military superiority was enjoyed by the conqueror, demographic superiority by the conquered.

2 Religious and patrimonial rights of those conquered were preserved, though some payments are made to the conqueror.

3 A certain degree of loyalty was required of the conquered society with regard to military matters and alliances.

4 Failure to fulfill fiscal requirements or to refrain from belligerency may result in abrogation of the treaty and the rights guaranteed therein.

The subject Muslim communities of the thirteenth century expected the same treatment that subject Christian communities had been accorded under Islamic domination. They wanted to conclude a voluntary and peaceful agreement (*ṣulḥ*), when faced with superior military

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[12] Translated by Paul E. Chevedden from the version of the treaty recorded by Aḥmad b. ʿUmar Ibn al-Dalāʾī (1003-1085) in *Nuṣūṣ ʿan al-Andalus min Kitāb tarṣīʿ al-akhbār, wa-tanwīʿ al-āthār wa-al-bustān fī gharāʾib al-buldān wa-al-masālik ilá jamīʿ al-mamālik*, ed. ʿAbd al-ʿAzīz al-Aḥwānī (Madrid: 1965), pp. 4-5. For other translations, and for two further translations by Chevedden from other Arabic versions, see below, Appendix: The Treaty of Tudmīr.

[13] Míkel de Epalza, "La caiguda de València i altres caigudes d'al-Andalus," pp. 34-35.

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force, by surrendering without a fight. That is why the politician and historian Ibn al-Abbār of Valencia, who signed the surrender agreement by which his city was handed over to King James, stressed the fact that Muslim capitulations in the thirteenth century were made in a "voluntary and peaceful" way (*ṣulḥan*) and not by force of arms (*ʿanwatan*). His remarks confirm the significant parallelism between Muslim pacts of capitulation and those of Mudejar submission.

A pact of capitulation transformed a sovereign community into a subject community. Those submitting to the authority of the new ruler were accorded protected status (*dhimmah*), both in the case of conquered Christians in Iberia during the eighth century, and in the case of conquered Muslims in the peninsula during the thirteenth century. Subject communities under Islam were awarded "protection" also through a grant of *amān* or "security" that the signatory of the pact was given when he asked for protection. The new subject became a *mustaʾmin*, one who has received an *amān*. The koranic basis for the institution of *amān* is derived from *sūrah* 9:6. "If any of the pagans asks you for protection (*jiwār*), grant him protection so that he may be able to hear the word of God." Muslims under Christian domination were also granted an *amān* or pledge of security (see above, chapter nine). Societies that entered into subject status by pacts of capitulation had some of their fundamental rights guaranteed. But these societies found themselves in a "weakened," "humbled," or "subordinate" state (*ṣāghirūna*, Koran 9:29) under Islamic domination, and were regarded under Christian domination, as Mudejars (from *mudajjan*: "domesticated"),[14] "foreigners" or "weak [and] powerless."[15]

Christian Pact-Makers (Muʿāhidūn)

Muʿāhid is the active participle of the verb *ʿahada*, which appears in the Koran and means "to make a pact," "to make an *ʿahd*." Non-Muslims living in domains under Muslim rule (*dhimmī* or *ahl al-dhimmah*, "people enjoying protection and safety") are sometimes called *muʿāhidūn* (sing. *muʿāhid*, "a person who has entered into a pact"). But the term *muʿāhid* was not applied to all individuals bound by a covenant or pact. In al-Andalus, the term *muʿāhid* came to designate subject Chris-

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[14] See Kazimirski, *Dictionnaire*, I, 671-672. Dozy, *Supplément aux dictionnaires arabes*, I, 425.

[15] See also Leila Sabbagh, "La religion des moriscos entre deux fatwas," *Les Morisques et leur temps* (Paris: 1983), pp. 43-56.

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tians under Muslim rule, whereas the term *dhimmī* was reserved for the Jews.[16]

The term *muʿāhid*, due to its general character, can be ambiguous. Arabic dictionaries generally define *muʿāhid* as "pact-maker" or "ally." In a religious context, the term refers to a "monotheist." In al-Andalus it carried both meanings, within the framework of Islamic *ʿahd* discussed above.

Once a conquered society had accepted Muslim political domination, an *ʿahd* was concluded with the subjugated community, thereby transforming members of this community into *muʿāhidūn*. They obtained an *amān*, or pledge of security, and were accorded protection (*dhimmah*).

In the fourteenth century, Ibn al-Khaṭīb used the term *muʿāhidūn* both to refer to eighth-century Christians in Granada who fell under Islamic domination and to Christians of the same region who were exiled to the Maghrib in the twelfth century. In the second chapter of his history of Granada, Ibn al-Khaṭīb recounts that "Muslims installed themselves in that province" and describes what happened to "Christian pact-makers" (*al-naṣārá al-muʿāhidīn*): "Emir Abū al-Khattār installed Arab troops … and distributed among them a third of the riches of the pact-makers (*al-muʿāhidīn*)."[17] Ibn al-Khaṭīb uses the term *al-muʿāhidūn* to refer to subject Christians under Muslim rule.

Ibn al-Khaṭīb later describes how Alfonso I of Aragon in the early twelfth century broke his "pact with the Almoravid state" (*ʿalá ʿahd al-dawlah al-murābiṭīyah*) and roused the community of Christian pact-makers in Granada to rebellion against the Muslims (*al-muʿāhidah min al-naṣārá li-hādhihi al-kūrah*). Here, an international agreement (*ʿahd*) had been breached, and a community of "pact-makers" (*muʿāhidah*) under protection of a Muslim state had violated the terms of its subject status. In the account of the expedition, Ibn al-Khaṭīb identifies the subject Christians in Granada as a "community of pact-makers" (*al-muʿāhidah bi-Gharnāṭah*), but he does not use the term *muʿāhid* (pact-maker) to refer to Alfonso I or the term *muʿāhidah* to refer to the subjects of this sovereign's realms. Rather, he employs the term *Rūm* (Christians) when referring to Alfonso's realms and subjects. During the siege of Granada, "the group of pact-makers (*al-muʿāhidūn*) brought him [Alfonso I] provision and supplies." When Alfonso I returned to his lands, "Muslims clearly saw the treacherous behavior of their neighbors, the pact-makers" (*makīdat jīrānihim al-muʿāhidīn*).

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[16] See Fattal, *Statut légal des non-musulmans*, p. 73, based on Évariste Lévi-Provençal.

[17] See Ibn al-Khaṭīb, *al-Iḥāṭah fī akhbār Gharnāṭah* (Cairo: 1955), p. 112, where the editor Muḥammad ʿAbd Allāh ʿInān offers a long note on the denominations of Christians in al-Andalus.

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Ibn Rushd went to see the Almoravid sovereign about the dual crisis presented by a sovereign power breaking its pact with a Muslim state and a subject community under Islamic domination violating the terms of its protected status. He responded by issuing a nullification of protection (*khurūj min al-dhimmah*), which resulted in their expulsion: "The Almoravid ruler ... modified the pact he had with them, and transferred them to the Maghrib ... in great numbers ... with Jews ... and only a few escaped from this pact."[18]

Ibn al-Khaṭīb's text indicates that the concept of *ʿahd*, or pact, formed the basis for relations between Muslims and non-Muslims in al-Andalus. Muslims maintained a pact with Christian *muʿāhidūn*, or "pact-makers," over the course of centuries. As subjects, the Christian pact-makers were forbidden to enter into alliances with enemies of a Muslim state. If the pact was violated by *muʿāhidūn*, it could be annulled or radically modified. As punishment for violating the terms of their original pact, *muʿāhidūn* in the twelfth century were exiled to other Muslim lands, always keeping their status as derived from the *ʿahd* pact. The status of *muʿāhidūn* was altogether different from the status of an independent Christian sovereign and his subjects. Ibn al-Khaṭīb refers to Alfonso I and his subjects as *Rūm* (Christians), never as *muʿāhidūn*.

Another example of the permanent nature of the *ʿahd* is found in the Balearic Islands. The Muslims who first arrived in the Balearics made a pact with the Christian population by which they would be ruled by their own local authorities. During the ninth century, Balearic Christians attacked some Muslims, thus breaking the *ʿahd*. The government in Córdoba sent a punitive expedition against the malefactors. After defeating them, he granted them his "protection" again and renewed his "pact" with them (*aʿṭāhum dhimmatahu wajaddada lahum ʿahdahu*).[19] At the beginning of the tenth century, the Islamic government installed representatives directly in Màjorca, but at least one Christian fortress resisted and had to be taken by force (*ʿanwatan*); that is why sources no longer talk about an *ʿahd* with the remaining Christian population, who do not appear any more in the scarce Arab sources of that period.[20]

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[18] Ibid., pp. 112-120. I am thankful to Professor María Jesús Rubiera Mata for having mentioned so interesting a text to me.

[19] Ibn Ḥayyān, *al-Muqtabis fī taʾrīkh al-Andalus*, ed. Maḥmūd ʿAlī Makkī (Beirut: 1973), pp. 2, 4.

[20] See Míkel de Epalza, "Los cristianos en las Baleares musulmanas," in *Les illes orientals d'al-Andalus* (Palma de Mallorca: 1987), pp. 133-143; and his "Mallorca bajo la autoridad compartida de bizantinos y árabes (siglos VIII-IX)," in *Homenaje a Juan Nadal* (Athens: 1991), pp. 143-149.

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Muslim Peace Treaties with Spain: 18th Century

The Islamic concept of *ʿahd* is evident in diplomatic relations between Muslim and non-Muslim states in the eighteenth century, though the balance of power between Islam and Christendom had clearly shifted by that time.

The eighteenth century provides ample testimony of modern diplomatic relations and peace treaties between Muslim and non-Muslim states. This period, which preceded the colonial era of forceful occupation of the nineteenth and early twentieth centuries, offers numerous examples of bilateral agreements between European and Islamic governments. The main powers in the Mediterranean at this time—Morocco, the Ottoman Empire and its dependencies, as well as the Maghribian regencies of Tripoli, Tunisia, and Algiers—had long experience with complicated diplomatic pacts with European states, especially from the second half of the sixteenth century onwards. By the eighteenth century, this tradition was well established in every respect.[21]

During the eighteenth century, the kingdom of Spain had not yet established stable diplomatic relations with Muslim powers, due to religious ill will, though periodic truces or agreements had been reached. In the early eighteenth century, as the throne of Spain passed from the dynasty of the Habsburgs to that of the French Bourbons, it seemed that Spain was going to follow the policy of France, which had stable diplomatic ties with Muslim states. In the context of the European balance of power, however, Spain left to France all initiatives concerning Muslims until the last quarter of the century. Only then, and above all thanks to the aggressive policy of the prime minister, the Count of Floridablanca, would Spain make a determined effort to reach a lasting peace with Muslim states in the Mediterranean. This activity was reciprocated by the Muslim states.[22]

Peaceful relations were established by means of peace treaties or

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[21] An extensive bibliography is in Martiniano Pellegrino Roncaglia, *Essai bibliographique de diplomatie islamique (arabe-persanne-ottomane)* (Beirut: 1979).

[22] See a recent general view in Míkel de Epalza, "Intereses árabes e intereses españoles en las paces hispano-musulmanas del siglo XVIII," *Anales de historia contemporánea* (Murcia), I (1982), 7-17; his "Intérêts espagnols et intérêts de la Turquie et de ses alliés maghrébins dans la diplomatie hispano-musulmane du XVIIIème siècle," *Studia islamica* (Paris), LVII (1983), 147-161; his "Las relaciones hispano-magrebies en 1812, según un informe contemporáneo," *Almenara* (Madrid), IX (1976), 110-121; and his "Taqrīr ḥawla al-ʿalaqāt bayna Isbāniya wa-al-Maghrib sanata 1812," *Revue d'histoire maghrébine* (Tunis), IV (1975), 91-96.

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muʿāhadāt (sing. *muʿāhadah*),[23] a word derived from koranic *ʿahd*. The Hispano-Libyan treaty however, which has been preserved for us in Turkish and Spanish, is identified as an *ʿaqd ṣulḥ ve ṣalāḥ* or "contract of peace and reconciliation," not a *muʿāhadah*. This Turkish expression *ʿaqd ṣulḥ ve ṣalāḥ* echoes koranic usage.[24] The expression must be analyzed in order to reach a better understanding of international treaties between Muslim and non-Muslim governments during the eighteenth century.

In the diplomatic context, the word *ʿahd* means "contract agreement," "arrangement"; "legal act," "legal transaction"; "document," "deed";[25] or "pact," "alliance," "contract," "convention," "settlement."[26] It implies a compromise between both parties and the existence of mutual interests (the Hispano-Libyan pact stipulates a number of mutual benefits attached to the commitments). The agreement is provisional in nature with no political dependence implied by the situation of *ʿahd* on the part of the *muʿāhidūn*. Obviously the pasha and king of Tripoli could not consider the king of Spain, with whom he was making the pact, as a subject *muʿāhid*.

On the contrary, the terms *ṣulḥ* and *ṣalāḥ* (from the same Arabic root *ṣ-l-ḥ*) remind us of the Islamo-Christian politico-military relationship during the early Islamic period and of the settlement of Muslims in the Iberian peninsula. The word *ṣulḥ* appears in Muslim accounts of the Islamic conquest movements and refers to hostilities terminated by means of an agreement or treaty (*ṣulḥan*), as opposed to those concluded by means of force (*ʿanwatan*). Although the king of Spain refused to bow to Islam's political power, at least he acknowledged by the Hispano-Libyan treaty the existence of that power in the territory of Tripoli. The complement *ṣalāḥ* in the binomial *ṣulḥ ve ṣalāḥ* means "reconciliation" (between two political entities, in this case), or "good order," "organization" (restored, if those entities were in an abnormal situation of conflict). It has a sense of going back to normal—that is to say, peace and not confrontation—between a Muslim and a non-Muslim state.

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[23] See the title of the Arabic translation of the study by Míkel de Epalza, "El primer tratado de paz hispano-libio de 1784 (1198 hégira)," *Hispania* (Madrid), XLIV (1984), 277-319; *Muʿāhadat al-silm al-ūlá al-isbāniyah al-Lībīyyah* (Tripoli: 1980); and *Revue d'histoire maghrébine* (Tunis), XVII-XVIII (1980), 33-68.

[24] See the preceding note, Tripoli translation in 1980, with photographic reproduction of the text in both languages, articles 1, 2, and 38, and in the eschatocol of the treaty, qualified here also as *ʿaqd*.

[25] Wehr, *Dictionary*, s.v. *ʿ-h-d*.

[26] Kazimirski, *Dictionnaire*, II, 312.

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One can deduce from the Turkish and Arabic terminology, and from the political practice of Hispano-Islamic relations at the end of the eighteenth century, the general Islamic position. There exists a normal situation of peace and mutual benefit, and an abnormal situation of war and conflict.[27]

The Dār al-ʿAhd

It is well known that Islam divides the world into two parts: the *dār al-islām*, or "Realm of Islam," and the *dār al-ḥarb*, or "Realm of War." The term *dār al-islām* denotes territories ruled by Muslim political authority, while the term *dār al-ḥarb* refers to territories ruled by those who reject Islam, or are enemies of Islam. This binary division is not found in the Koran, but Muslim tradition has attributed it to the Prophet Muḥammad.

Some Muslim jurists, particularly those of the Shāfiʿī school of law, admit the existence of a third category: the *dār al-ʿahd* or *dār al-ṣulḥ*.[28] This category is applied to non-Muslim states that have entered into pacts with Muslim powers. These pacts require the acknowledgment of Muslim sovereignty and the payment of tribute.[29] An example of this intermediate category is the agreement embodied in the treaty of Tudmīr. New power relationships can alter Islam's relationship with the *dār al-ʿahd*, notwithstanding attempts to maintain the appearances of subordination to Islamic power. The signing of a peace treaty in a Muslim country can symbolically be interpreted as a recognition of

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[27] For the positive consequences of those treaties, both in the case of Tripoli (bibliography above) as in that of Algeria, see Míkel de Epalza, "Algunas consecuencias del tratado de paz hispano-argelino de 1786," *Homenaje a Guillermo Guastavino* (Madrid: 1974), pp. 443-449; his "Notice d'un fonds de lettres officielles algériennes à Madrid (fin du XVIII[e] siècle/début du XIII[e] siècle de l'hégire)," *Archives nationales* (Algiers), VI (1977), 67-69, 71-74 (article in Arabic and in French); and for Tunisia, Míkel de Epalza and Abdel-Hakim el-Gafsi, "Relations tuniso-espagnoles au XIX[e] siècle: documents et synthèse," *Les Cahiers de Tunisie*, XXVI [1978], 101-102, 183-216). The results were not so positive in the case of the treaty with Turkey; see the book (in my view frivolous) by the Spanish diplomat Emilio Garrigues, *Un desliz diplomático: la paz hispano-turca* (Madrid: 1962), complemented by his *Segundo viaje a Turquía* (Madrid, 1976).

[28] Fattal, *Statut légal des non-musulmans*, p. 71.

[29] See the excellent study of contemporary Islamic politics by Mohammad-Rezi Djalili, *Diplomatie islamique: stratégie internationale du khomegnisme* (Geneva: 1979), wisely based on the work of Bernard Lewis. See also María Isabel Fierro, "La emigración en el Islam: conceptos antiguos, nuevos problemas," *Awrāq*, XII (1991), 11-41, where she mentions Sayyid Aḥmad Khan's opinion that Muslims in the Indian Republic find themselves in a state of *dār al-amān*, "land of security."

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Islam's superiority (as in the case of Hispano-Muslim treaties of the eighteenth century); and the presents exchanged during the signing ceremony can be construed as the *muʿāhid*'s tribute to Muslim authority.[30]

The classic and modern conception of the *dār al-ʿahd* as an intermediate stage between a *dār al-islām* and a *dār al-ḥarb* demonstrates the importance of *ʿahd* as a versatile intellectual construct for cementing relations between Muslim and non-Muslim powers. It represents a transitory situation for an Islam destined to dominate the whole world; but this transitory condition can last as long as it is convenient for the interests of Islamic political power, while the political and military capability required to bring about the universal rule of Islam has yet to be achieved. Obviously this situation can apply to Muslim Mudejars under Christian rule in the Middle Ages.

Mudejar Surrender Treaties with Christian Rulers

Only two thirteenth-century bilingual pacts of Muslim surrenders have survived from medieval Iberia. Each of these has been carefully analyzed by Robert I. Burns and Paul E. Chevedden above.[31]

The Arabic text of the al-Azraq treaty contains some expressions which deserve analysis in the light of diplomatic relations between Muslim and non-Muslim governments. Although "internal evidence suggests that the Arabic text was mandated and executed by the prince's chancery, not by al-Azraq's,"[32] it contains Arabic expressions that enable us to locate this diplomatic agreement within the framework of Islamic convention regarding pacts with non-Muslims. Burns has studied this "agreement" as "illustrating the transition of Muslim leaders from an Islamic polity into Mudejar 'feudal' status."[33]

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[30] On various Muslim ways to hide tribute with presents, see Míkel de Epalza, "Attitudes politiques de Tunis dans le conflit entre Aragonais et Français en Sicile autour de 1282" (see above, chap. 2, note 10), and his "El Cid y los musulmanes: el sistema de parias-pagas, la colaboración de Aben Galbón, el titulo de Cid-León, la posadita fortificada de Alcocer," in *El Cid en el Valle de Jalón* (Zaragoza: 1991), pp. 117-125.

[31] Chapters 2 and 3 above, for al-Azraq's treaty; and chapters 7 to 9 for Játiva's. I knew about the Játiva treaty through Agustí Ventura, to whom the text had been made known by Jaume Riera, archivist at the Arxiu de la Corona d'Aragó in Barcelona. But I have not studied it in detail, as the two American researchers have done here.

[32] Burns and Chevedden, "Al-Azraq's Treaty," p. 5; see also p. 33. Cf. above, pp. 54 and 55.

[33] Ibid., p. 6, and especially in Burns, *Islam under the Crusaders*, ch. 10, pp. 283-325, and his *Muslims, Christians, and Jews*, pp. 257-261.

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As Burns has observed, the Arabic text "contains no mention of vassalage, fidelity, personal obligation, or even Islamic allegiance (*bayʿah*), or obedience,"[34] whereas the Castilian text insists on the Muslim "vassalage" toward the Christian prince.[35] "Even where content coincides with the Romance text, the Arabic presentation is more businesslike."[36]

The "covenant" in Arabic is qualified as a *ẓahīr*—"decree," "edict," "ordinance" in modern Arabic, particularly in Morocco,[37] but also in classical Arabic[38] with the sense of "diploma," "grant," "title."[39] The expression *amara bihi ... Dūn Alfunsh ... ʿalá ... Abū ʿAbd Allāh ibn Hudhayl* ("Don Alfonso ... enjoined it ... upon ... Abū ʿAbd Allāh ibn Hudhayl [al-Azraq].") indicates that a bilateral agreement has taken the form of a unilateral decree. Burns and Chevedden indicate that the subtext of this "businesslike" charter is political expediency and stratagem, full of innuendos and mistrust.

The al-Azraq treaty is more an armistice than a capitulation. The provisions of the treaty concern the possession of fortresses and the payment of revenues. These provisions hint at the temporary nature and precariousness of the agreement. The Játiva treaty is a true capitulation, even though it was contracted on a qualified basis and the losing side maintained considerable powers of autonomy.

In their political relations with non-Muslims, Muslims were guided not only by incidental adaptations, but also by an underlying political doctrine that joined together ideal principles and concrete circumstances. Knowledge of that doctrine in its Islamic expression allows us to penetrate the actions of Muslim minorities in Hispanic Christian society of the Middle Ages. The Islamic doctrine of *ʿahd* ("pact") and of *"amān"* ("security") can be studied from various sources:

1 The text of the Koran and Muḥammad's political behavior.

2 Muslim doctrine concerning its minorities (*ahl al-dhimmah*).

3 The agreements of minority Muslims with Christian authorities in Spain.

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[34] Burns and Chevedden, "Al-Azraq's Treaty," p. 9. Cf. above, p. 26.
[35] Ibid., pp. 18-19, with English translation, pp. 19-20. Cf. above, pp. 25-27.
[36] Ibid.
[37] Wehr, *Dictionary*, s.v. *z-h-r*.
[38] See Kazimirski, *Dictionnaire*, II, 393-396.
[39] See Dozy, *Supplément*, II, 88.

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4 Pacts of Muslim authorities with modern non-Muslim states.

In Hispanic society around 1492, pacts and political understandings between Christian authorities and subject Muslim communities were possible due to the historical practice of pact-making and to mutual political interests in the *amān* expressed by a pact of *ʿahd*. At a deeper religious level, Christians had no capacity for dialog with the Muslims, because their central preoccupation was eternal salvation through converting the Muslims. This is a key for understanding the Islamic tragedy of Mudejars and Moriscos in Hispanic Christian society.

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CHAPTER ELEVEN

CRUSADER PERSPECTIVE, ISLAMIC PERSPECTIVE

The episodes explored in this book carry the general title "Negotiating Cultures." This does not mean the same as a static and univocal "Making Peace." The Islamic and European entities warily engaging in this diplomatic dance lived by a web of pacts, truces, and alliances, not only among their own religio-ethnic group but frequently also with the countervailing "infidel" powers around them. Each of the contestants in the Valencian region was, in that sense, a negotiating culture. Each treaty or truce, at which they arrived together, represented a unique local circumstance, a tangle of options, dangers, opportunities, random as well as steady changes, strong personalities, and historical and geographical contexts. Besides this dynamic sense in our title, the principals in such diplomatic maneuvers were literally negotiating to keep or to surrender elements of their very identity, negotiating away or salvaging their culture.

Alien context alone could easily transform and degrade a Muslim culture; simply to insert that culture into a Christian urban or feudal set of meanings, for example, began a subtle inculturation or assimilation. A Christian-Muslim treaty in Valencia was thus not truly a meeting of minds but rather a clash of concepts, cultures, and opposing political psychologies. Most documentation surviving from Mediterranean Spain during the bellicose reign of James the Conqueror fails to communicate the misconceptions and self-delusion suffered by the two forces. The documentation mostly comes to us from the Christian side and by way of the Christian versions. Arabic materials are too often background or incidentals. The bilingual treaties of al-Azraq and Játiva's Banū ʿĪsá, however, lonely remnants of a genre once abundant, afford a view of both cultures when engaged in their discordant negotiations. We can observe the larger confrontation of cultures through these two narrow windows.

The al-Azraq treaty shows the mutual dysfunction simply by a prima-facie reading. Its Romance consists of two texts, one of them purporting to be from al-Azraq; both texts concentrate on al-Azraq becoming a "vassal" of the Crown of Aragon. The Arabic focuses instead on a three-year truce between the previous enemies and a businesslike division of castles and revenues between them. There is no question here of the Latin document translating or even para-

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phrasing the Arabic. Both al-Azraq and King James, after the three years had passed, would each act upon their contradictory perceptions. Al-Azraq then reopened the war, while James nursed the bitterness that he later vented in his memoirs. In the case of Játiva, King James would cite his siege and treaty of 1240 to force the *qā'id* to acknowledge a state of vassalage toward the king, insisting that the Muslim submit to the judgment of the king's uncle Ferrando as feudal arbiter between lord and vassal. The *qā'id* sensibly refused, precipitating feudal war and the 1244 siege of Játiva. Both situations were farcical, with the respective principals each speaking past the other with a different cultural vocabulary and assumptions.

Circles of Context

A treaty is not an isolated artifact. Each comes embedded in circles of context and can only be recovered by recreating those vanished contexts. The military milieu alone, as in the Játiva campaign, can be complicated. The Játiva adventure saw King James caught in an interminable siege, for example, Castile actively intriguing to support the Muslims and maneuvering its own armies on James's flank under the personal direction of Castile's prince-heir. The episode also presented James with the formidable geography of Játiva's mountain eyrie, with dangerous and extended lines of supply, with the strong advantage held by defenders over attackers in that century's sieges, and especially with the need to finish this siege with some dispatch before concerns from his kingdoms and the wider world intruded and before the volunteer besiegers lost heart.

A personal dimension framed the Játiva siege, notably through the opposing commanders. King James had retreated from his previous abortive sieges of Játiva, had now undertaken the main siege reluctantly when forced by Castile's crude moves toward assimilating the region, and had let his mask of competent commander slip during the furious interchanges at Almirra. He had then settled for a peace that was more a truce, that gained him less than had any of his previous sieges, and that revealed his obsessive preoccupation with taking Játiva, an obsession reflected in the protracted account afterwards in his memoirs. For his part the *qā'id* had similarly revealed his concern for his reputation among Muslims, should he not persevere in holding so great a fortification. Other contexts also shaped the Játiva story, from the religious and the rhetorical to the developments in North Africa, southern France, Murcia, Granada, and the king's homeland dominions. These need not be recapitulated but should be meditated again.

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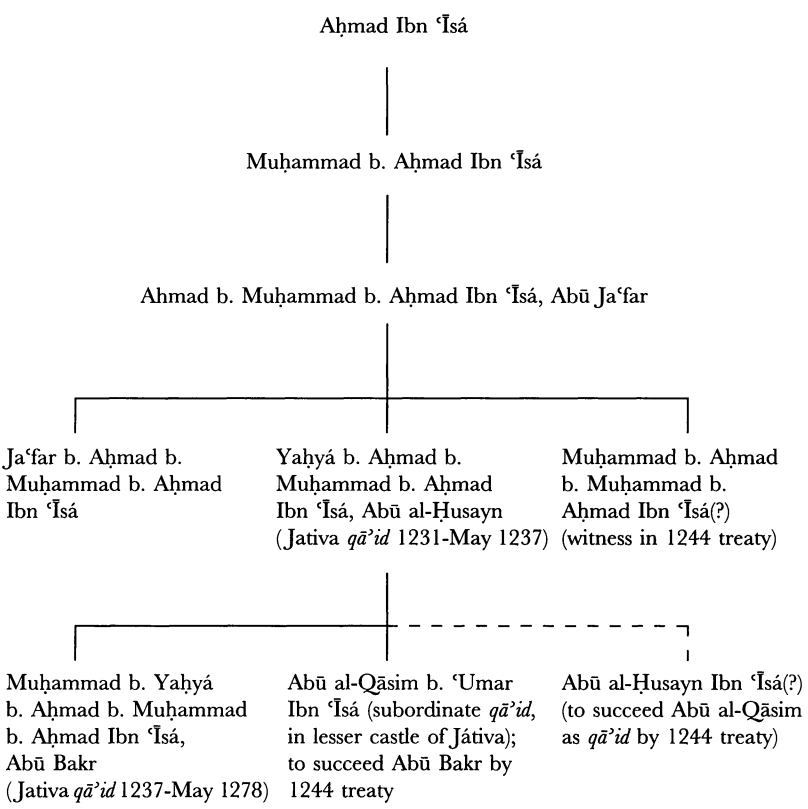
Figure 3 The Banū ʿĪsá of Játiva in the Thirteenth Century, a Tentative Genealogy:


Aḥmad Ibn ʿĪsá
Muḥammad b. Aḥmad Ibn ʿĪsá
Ahmad b. Muḥammad b. Aḥmad Ibn ʿĪsá, Abū Jaʿfar
Jaʿfar b. Aḥmad b. Muḥammad b. Aḥmad Ibn ʿĪsá
Yaḥyá b. Aḥmad b. Muḥammad b. Aḥmad Ibn ʿĪsá, Abū al-Ḥusayn (Jativa *qā'id* 1231-May 1237)
Muḥammad b. Aḥmad b. Muḥammad b. Aḥmad Ibn ʿĪsá(?) (witness in 1244 treaty)
Muḥammad b. Yaḥyá b. Aḥmad b. Muḥammad b. Aḥmad Ibn ʿĪsá, Abū Bakr (Jativa *qā'id* 1237-May 1278)
Abū al-Qāsim b. ʿUmar Ibn ʿĪsá (subordinate *qā'id*, in lesser castle of Játiva); to succeed Abū Bakr by 1244 treaty
Abū al-Ḥusayn Ibn ʿĪsá(?) (to succeed Abū al-Qāsim as *qā'id* by 1244 treaty)

See especially Rubiera and Epalza, *Xàtiva musulmana*, pp. 99-103. The first three names in the sequence are determined from the names of the three sons in level four. Muḥammad in level four was a 1244 witness and may belong here as brother of the former *qā'id* Yaḥyá and uncle of Abū Bakr. Abū al-Qāsim, brother of Abū Bakr, seems to be the Ibn ʿUmar who is Abū Bakr's brother in the 1244 treaty. The family name is reflected in the Valencian town Benisa.

The al-Azraq and Játiva treaties have a great advantage in the variety and quality of sources surviving to elaborate their contexts—from crown documents to chronicles to the remarkable memoirs of the king, to papal letters and to archeological remnants. Not only do the more material and accessible settings emerge from this abundance of sources, but also the intellectual climate and behavioral constraints. Such contemporary sources are predominantly European, but an Islamic counterpart can be assembled from participants

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or near contemporaries like Ibn al-Abbār, or from the charters found at Rabat by Emilio Molina López, or the rich background materials on Andalusī or Maghribian history. The fortunes of empire have not been kind to Arabic sources for our time and place however—disdained by the colonialist masters in the thirteenth century and destroyed in quantity during the early-modern expulsion. Such Arabic sources for our sieges tend to be fragmentary, random, and literary. Like the bilingual treaties themselves, the Christian and Muslim remnants need to be counterposed, their very different perspectives on the siege respected. The paradox remains, however, that the bulk of our information on the al-Azraq and Játiva episodes comes from European records, so that the Islamic story must depend for most of its telling upon its very enemies.

Myth: The Univocal Mudejar Treaty

Thirty years ago it was commonly argued that Mudejar surrender constitutions or *cartas pueblas* (Catalan *cartes de poblament*) were rare exceptions, and that even then they were meant not to conciliate but to exploit. The great Ramón Menéndez Pidal described these "capitulations for exploiting" the "wretched Muslims" of Valencia. Isidro de las Cagigas portrayed King James as mercilessly exploiting those who surrendered. The pioneering volume of Francisco Fernández y González, at its time the classic work on Mudejars, understood the few surviving surrender pacts as special exceptions. Authors as various as Santiago Sobrequés Vidal and Henri Pérès particularly saw a massive expulsion of Muslim communities from the northern third of Valencia.[1] Against this consensus, a chapter in my *Islam under the Crusaders* established the universality of a common Mudejar status for every Muslim community that surrendered on terms. A town carried by violent siege allowed the defeated minimal terms at best, usually a negotiated mass expulsion as at Burriana and Valencia, with local farmers now working their holdings as mere tenants. The universality of Mudejar terms for timely surrender is seen, not in the handful of surviving Latin texts, but in the frequent descriptions of how each community conserved its "laws and customs," and also in the king's tactic of persuading to surrender by appealing to his record of generous concession of Islamic life "just as well as if they were in the country of the Saracens" with "their mosques and their law." In my

[1] Each author is cited in Burns, *Islam under the Crusaders*, p. 125 and notes.

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Islam, I concluded to "a customary or essential Mudejar pact, fitting all times and circumstances," so that any Valencian pact can illumine the others.[2]

Thirty years later, some authors have moved to an extreme of that position, supposing that the general status was in effect a blueprint or standardized formula, of no further interest as to its rhetorical details. In that view, the al-Azraq and Játiva treaties would command our interest largely for the contrast between Latin and Arabic text or mindcast. If such were the case, however, the notables of Játiva would not have needed their parleys in the mosque to formulate terms. Similarly James deliberately set separate dates for the Muslims of Uxó, Nules, and Castro to negotiate surrender, because "I did not wish any one to know the treaty terms of the other." And at Almenara he hurried the Muslims along by citing "other castles" waiting to surrender, so that Almenara could get better terms by being first. At Peñíscola the king simply asked the surrendering Muslims to write out their terms and promised to accept them.

As with most peace treaties, these medieval artifacts did have a common core, particularly the right to keep essential religious institutions and administrative infrastructures, including the Islamic law and court system. Individual treaties might single out for mention such examples as mosque properties, sacred books, cemeteries, schools, or the butchery. The broad meanings of religion in Islamic life became non-negotiable demands for any Muslim community in a negotiating situation. At the other extreme, the king frequently offered a free-will concession of material goods, sometimes in response to Muslim requests. At Almenara for example the Muslims asked for a thousand sheep, two hundred cows, two fine horses, and forty scarlet outfits (fortunately the king had a tailor and three cloth merchants in camp). At Castro James gave sheep, goats, two horses, and five outfits to wear. Uxó got fifteen hundred sheep and goats, sixty cows, three horses and thirty outfits.[3]

Each treaty was also concerned with particularities; Játiva included an entry about saltworks and olive presses, as well as rules for outsiders coming to the local Islamic court. Taxes and exemptions were topics for open negotiation. Military responsibilities might be limited or extended. Some communities seem more anxious than others to

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[2] Ibid., pp. 124, 137-138. Chapter six deals with "Surrender Terms: Universality and Pattern."

[3] James I, *Llibre dels feyts*, caps. 184 (Peñíscola), 243 (Almenara), 249 (Castro, Uxó).

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exclude Christians and Jews from their living space. Special requests could include a prison, the right to bear arms anywhere, or the right to cut brush and wood for building. To elect one's own officials without crown intervention might enter a treaty. Crops or crafts could also appear. The Chivert Muslims expressly got the right to pilgrimage abroad, freedom from any marriage fee, a hospitality center at Tortosa, and agreements on the common winepress and on Christian officials' share of animals taken by hunting. Some treaties required Muslim hostages, or settled the disposition of shipwreck flotsam, or arranged an annual ceremony confirming the surrender, or dealt with such topics as slavery and Christian apostates. The treaties of al-Azraq and Játiva did not conform to a single model; like all such agreements they spoke to specific contexts, assumed certain commonalities, and flexibly addressed unique local concerns such as the succession in the Banū ʿĪsá dynasty at Játiva.

Any peace depends upon a static world. Because living societies are dynamic, peace treaties are transient. The bargains James reached with al-Azraq and Játiva would have produced satisfactory long-term results only if conditions remained unchanged and no outside factors intruded. Since al-Azraq and Játiva were part of a bigger conflict, the course of that wider struggle decided the fate of the peace agreements. The profoundly ambiguous relations between the contracting parties to these agreements provided an additional destabilizing element. For James, the peace treaties were a departure point to full subjugation and incorporation into his Christian kingdom of all of Sharq al-Andalus. For al-Azraq, his agreement was no more than a truce that bought him time to regroup for renewed conflict. For Játiva, the settlement was a terminal position which its Muslims sought desperately to maintain. The treaty ended Játiva's belligerency, but it stopped short of total commitment to James's side. Everything depended on whether James could maintain Játiva's non-belligerency by consolidating his control over the southern region of Valencia. When al-Azraq's revolt dashed this hope, James took action against Játiva, removing its Muslim population outside the city and settling Christians within the walls to ensure the city's non-belligerency. Because al-Azraq and Játiva were part of a bigger struggle and because the contracting parties to the peace agreements had divergent ultimate goals, no permanent peace was possible.

All treaties are transient, vulnerable to later contexts and interpretations. For this reason the kings later confirmed the provisions of a given agreement, both in court cases after a challenge or in amnesties after a revolt. Játiva's 1252 charter was formally recopied through several generations by way of confirmation. Other privileges would

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accrue with time, and important elements would erode. King James in his autobiography expresses his obligation to respect the Játiva treaty but also his glee at receiving an excuse to challenge it. In later diplomatic history the Islamic states of the Maghrib assumed a certain protective role with regard to Mudejars in the Crown of Aragon, a circumstance contributing to the increasing differences between Arago-Catalan and Castilian Mudejarism. Even such simple items in these treaties as the call of the muezzin, when rebuked by the pope, led to a century-long uproar and legalistic maneuvers as Christian urban interests and rural divided over the issue. In short, treaties subsist in changing contexts, are flexible or else become obsolete, and almost always differ one from the other in their respective genesis. Taking them as a genre, each has common features as well as distinctive features, a phenomenon explored by comparing Játiva's with the Uxó treaty above in chapter seven under the rubric "Content: The Latin Text Clarified." Taking our two treaties as representing a genre, they are not only bilingual but also bicultural, serving two different sets of assumptions and worldviews.

Myth: Incompetent Muslim Defense

The disappearance of Islamic Spain in the thirteenth century, or more exactly its reduction to the new rump state of Granada, has puzzled Arabists and encouraged conjectural theses to explain it. The simplest model can seem the most attractive. This does not rest so much upon the obvious defects of imperial factionalism and the successive collapse of caliphal, *ṭā'ifah*, Almoravid, and Almohad enterprises; after all, the conquering Christian kingdoms enjoyed their own wars, factions, and restructurings. The culprit in al-Andalus would seem instead to be feeble military competence. Sources and evidence for this are exiguous; but a trajectory seems plausible from the revolution or transformation of the post-caliphal army into a body of salaried foreign professionals, and thence into "much smaller and less impressive" armies of the local *ṭā'ifah* states, and finally into the alien armies of the Berber empires both Almoravid and Almohad. The tenth-century eastern visitor Ibn Ḥawqal is often cited here as scorning the lack of fighting spirit among the al-Andalus population as well as their clumsy horsemanship. The modern historian Évariste Lévi-Provençal admits that Ibn Ḥawqal is not an impartial witness; but he adds the sharp disdain of the *qāḍī* Abū Ḥanīfah, and concludes to a tenth-century army that "did not surpass mediocrity." Medieval Muslim commentators damned the compromising alliances with infidel

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Christian forces, or like the twelfth-century al-Ṭurṭūshī blamed the military misfortunes on greedy and shortsighted rulers who accumulated reserves of money while Christian states instead accumulated soldiers.[4]

That historical trajectory, in the words of the best recent survey of Muslim Spain, resulted in "a large, non-military, civilian population in al-Andalus, untrained in warfare and unequipped." When the outsider "caste of professional soldiers," who defended the helpless flock, disappeared at the caliphal, Almoravid, or Almohad collapse, the locals "could not mount a successful resistance." The Christian societies of Spain conversely were "organized for war," rallied "a much higher proportion of their populations for warfare," experienced no such "gulf between the military castes and the rest of the population," and enjoyed "many different centres of command," from the several monarchies and the military orders to the baronial and the "town armies." Other factors such as political structures and demographics must be factored into an explanation for the fall of al-Andalus, the author allows, but the military component by itself obviously spelled doom. The Muslim sheep awaited the descent of the Christian wolves in the thirteenth century, the outcome foreordained.[5]

This scenario, plausible in the abstract, has troubling aspects. Sources focused in time and place do not exist in sufficient quantity to support so large and decisive a structure; their quality also can be affected by moralistic preoccupations or ethnic hostilities. And the model is made to fit many centuries and contexts, a recurrent pattern that seems unhistorical in its programmatic or static panorama. One also suspects that the thesis of defenseless Andalusī populations in the thirteenth century rests upon or is supported by the controversial theory of communal Berber settlement as the characteristic of the Valencian regions, with the antagonistic rural versus urban profile of society there around the *ḥiṣn/qaryah* units as explored above in chapter two. The point particularly at issue for this book, however, is the incompatibility of the current consensus about Andalusī fighting spirit and military competence as against the actual events and serious evidence from the Christian side of the Valencian conquest. Valencia with its abundant sources of many genres makes a convenient test case for the incompetence theory. Who did resist the advance of King

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[4] Évariste Lévi-Provençal, *Histoire de l'Espagne musulmane*, 3 vols. (Paris: 1950-1953), III, 70. Abū Bakr b. al-Walīd al-Ṭurṭūshī, *Lámpara de los príncipes*, transl. Maximiliano Alarcón, 2 vols. (Madrid: 1930-1931), II, 97.

[5] Hugh Kennedy, *Muslim Spain and Portugal*, pp. 307-308; cf. pp. 87, 119, 121, 127, 135, 167, 193, 253, 264, 271.

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James? What strongholds did they man? How long did they hold on, and then how did they recover? What leaders were available? When all the major post-conquest rebels were finally gone in the thirteenth century, who then led them? Did the ordinary common man play any role in war, and with what arms? Were they disdained or esteemed? Above all, do the defenders at large seem to have been mere civilians, helpless before the Christian professionals?

King James found the Valencian Muslims formidable adversaries, a point elaborated in his many anecdotes, despite the three-way civil war rending Valencia and the turmoil preoccupying the wider Maghribian world. The king's first attempt at conquest, his siege of Peñíscola in 1225, proved an abject failure, so embarrassing that he excluded it from his memoirs. His second great incursion targeted Burriana in 1232 and met a similar spirited resistance that nearly sent him packing again. His barons urged withdrawal, which he stubbornly refused out of "great shame," even twice "exposing my whole body" to the defenders so that a wound could earn him an honorable reason to lift the siege. The bishop of Lérida and the baron Guillem de Cervera warned him that, "even if victorious, the king of Castile and you together could not hold Burriana." The siege of Valencia city was long and bitter, issuing in a negotiated withdrawal by the Muslims. The Muslim champions who came out there defeated the Christian champions; and a crossbow bolt nearly killed the king (his skull bears its furrow to this day in the royal grave).[6]

We have seen in detail above how unassailable Játiva seemed to contemporaries, how the king's first sieges there proved abortive, and how the 1244 truce or treaty left the Muslim forces largely intact though without their lesser castle. So small a castle as Biar sustained a very long siege. James eventually brought al-Azraq down less by military action, though he needed ten years of that, than by bribing al-Azraq's counsellor in a palace plot that left the Muslim without funds to pay his mercenaries. Even when King James was planning to attack a freestanding tower, the Aragonese high baron and counsellor Rodrigo de Lizana warned him: "you well know how they [the Muslims] defend their fortifications," a professional assessment of the general Valencian situation.[7]

Chronology of the conquest merits a close look. From the siege of Peñíscola to that of Biar, it took James two decades to reduce the people of Mediterranean al-Andalus. The traditional span of the con-

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[6] *Llibre dels feyts*, caps. 130-131 (hunger, cf. 209), 167 (shame), 174 and 179 (exposed), 180 (with Castile).

[7] Ibid., c. 199: "deffenen força."

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quest, 1232 to 1245, still extends to some thirteen years. As we have seen, however, 1245 marked only a truce with al-Azraq despite the king's announcement to Christendom of total victory. War broke out again in 1247, a formal crusade was again wrung from the papacy, and a decade passed until a treaty in 1258. The Murcian war of the 1260s encouraged Valencia's Muslims to take up arms in yet another revolt. King James would die, an old man, still fighting to regain and retain his Valencian conquests in 1276. His heir Peter the Great, according to the memoirs of the junior contemporary Ramon Muntaner, had to "conquer part of the kingdom of Valencia a second time," postponing both his father's official burial and his own coronation.[8]

At each renewal of the war the Christians mounted serious campaigns, while the final war in 1275-1278 amounted to a Muslim countercrusade. Thus the full trajectory of the Valencian conquest extends from 1225 into 1278, over a half-century. Even if we excuse James from his Peñíscola fiasco and take up the conquest from the time he slipped into the chaotic turmoil of Islamic Valencia as an ally of Abū Zayd in the civil wars there, the span is still impressive at 45 years. If told that his mighty armies had rolled over a defenseless civilian resistance, the king would doubtless have given tongue to an acerbic retort.

Siege: Ascendancy of the Defense

Misunderstanding of Andalusī resources and fighting spirit in Valencia can stem from misapprehension of Mediterranean Christian-Muslim warfare in this period. The defense was paramount, so that war became a series of siege campaigns, the reserve army itself being withheld from open battle as much as possible. Christopher Marshall explains how thirteenth-century crusader Syria and Palestine had their fate decided by such Muslim sieges, with "other forms of military activity" from raids to pitched battles as "largely incidental" and not decisive during the period 1192-1291. "Sieges were of fundamental importance," so that the Latin army "was geared to operate principally as a series of garrison forces within the strongpoints."[9]

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[8] Ramon Muntaner, *Crònica*, c. 10: "conquès partida del regne, altra vegada, de València."

[9] Christopher Marshall, *Warfare in the Latin East, 1192-1291* (Cambridge, Eng.: 1996), p. 210. See the paramountcy of the siege also in the previous century in R.C. Smail, *Crusading Warfare (1097-1293)* (Cambridge, Eng.: 1956).

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Paul Chevedden makes the same point in his pioneering study of the artillery of James the Conqueror: "the study of siegecraft is of paramount importance for an understanding of medieval warfare, due to the fact that warfare of this period was predominantly siege-based."[10] Military historians occasionally miss this reality and focus on the soldiers as the main resource, and field warfare as the key activity. War in our period however "centered on the construction, defense, and capture of fortified complexes," from cities to simple towers. King James was not only chronically short of supplies in Valencia, which put him at a disadvantage in sustaining a siege, but he had to rally a patchwork army of temporary feudal levies, town militias, and crusade volunteers. These circumstances encouraged his Valencian campaigns of maneuver, ending in generous surrender terms to a foe cut off from wider Muslim aid and fragmented in leadership.

Chevedden includes a fourteen-page schema of sixty-seven sieges conducted by King James during his military career, with special reference to his use of siege-artillery. He notes that although James employed the most powerful artillery weapon of the day, the counterweight trebuchet, in his conquests of the cities of Majorca and Valencia the true workhorse of his siege arsenal was the *fenèvol.* This machine was most probably the hybrid trebuchet, an intermediate form of lever artillery which utilized human power (like the traction trebuchet) as well as gravity power (like the counterweight trebuchet) to discharge projectiles. Historical sources indicate that hybrid machines were capable of launching stone-shot as heavy as 185 kilograms and could achieve a sequence of discharge slightly better than four shots per minute. With such a high level of performance, it is no wonder that James had need of only one or two of these heavy artillery pieces in most of his siege operations. Smaller traction trebuchets, which were doubtless used, generally escaped his notice. Mechanized siegecraft was not *the* critical factor in James's successes (a simple tally of all the bloodless surrenders indicates that); but his ability to conduct effective siege warfare certainly was a major factor in his military achievements.[11]

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[10] Paul E. Chevedden, "Artillery of King James I," *Iberia and the Mediterranean World,* II, 47 (quotes), 81-94 (schema).

[11] Paul E. Chevedden, "The Hybrid Trebuchet: The Halfway Step to the Counterweight Trebuchet," in *On the Social Origins of Medieval Institutions: Essays in Honor of Joseph F. O'Callaghan,* ed. Donald J. Kagay and Theresa M. Vann (Leiden: 1998), pp. 179-222.

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The siege pattern is observable in King James's conquest of Valencia. Acquisition of a major stronghold there rendered more vulnerable the zone of lesser castles and towers in its region. Taking fort after fort in mini-sieges gradually exposed the large places. Meanwhile James bypassed and bluffed, bribed and intimidated and intrigued, cut wheat fields and irrigation systems, and accommodated or co-opted many lesser leaders by generous treaty terms. Pitched battles like the attack at Puig in 1236 by Zayyān's host, gathered from "Játiva to Onda," were rare. At this time and place there would have been no imperial Muslim army advancing with banners, maneuvering professionally in serried ranks. Times had changed, and war had changed with them.

The predominant role of defensive fortifications, and their ascendancy over invading forces, explains the awe with which contemporaries described Islamic Valencia's castles and walled towns. Rodrigo Jiménez de Rada, warrior archbishop and primate of Spain, hero of the Las Navas de Tolosa battle that broke Almohad power, and rival against King James for ecclesiastical control of Valencia, testifies in his history of Spain that the Valencian region was "preeminent by [its] many fortified places." Bernat Desclot, usually identified with James's crown functionary Bernat Escrivà, describes Muslim Valencia as "a very strong land and well encastellated with many strong castles, so that in the realm of Valencia there were three hundred castles of stone that feared no man as long as there was enough to eat." Blasco de Alagón, a warrior and James's majordomo for Aragon, warned the king from two years of personal observation in Valencia that "there are forty or fifty [castles] there which neither you nor all your power could take, while they have food." King James himself opined that Valencia city "has to be conquered by hunger." The personal witness of these knowledgeable men on the spot, as to both the number and strength of Valencia's Islamic fortifications, demands our attention.[12]

All such strongholds were not equal but included towers, walled towns, refuges, small forts, great castles, and major cities. They were doubtless arranged in networks, zones, and mutually supporting positions, as King James's comments suggest and as chapter two above discussed under the rubric of the geography of war. Both Blasco's fifty and Desclot's three hundred could describe different arrangements of the variegated defense systems. Whatever one's school of thought in

[12] These witnesses are cited in full in Burns, *Muslims, Christians, and Jews*, p. 35. For James see *Llibre dels feyts*, caps. 131, 209.

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the contentious and sometimes theory-driven debate on the morphology and social meaning of Valencia's forts, one conclusion is clear. In the personal experience of the Christian warriors under James who besieged them, and by the patterns of contemporary warfare, the physical defenses were intimidating, and the fighting spirit of the men who manned the walls won the respect of their Christian enemies.

Andalusī Fighting Men

Who were the personnel sheltering behind the town wall or castle parapet, giving as good as they got? Who were their leaders; and what weapons did they wield? Before turning to the notables and the skilled warriors, the role of the common people in this kind of warfare must not be overlooked. In his groundbreaking work on medieval Muslim cities, Ira Lapidus noted how "the Mamluks had to rely on popular participation in the defense of the cities" as well as in campaigns and civil wars, and that "popular military experience was extensive." To defend Damascus and Aleppo in 1260 the Mamlūks enrolled the local commoners; after the battle of Homs in 1281 similar "auxiliary military manpower was raised in the markets of Damascus and efforts were made to teach the shopkeepers, students, and sheikhs how to use the bow and arrow." In 1299 "the Damascus common people took a large part in the defense of the city." Each *'arīf* of a market "arranged military exercises, but a commander was assigned by the Mamluks to lead each suq" of Damascus. "Not only the shopkeepers and artisans but, with the help of the ulama, the sheikhs and students were trained to fight" by the thousands. Lapidus paints a picture of generalized military participation by commoners in the east; did their Andalusī contemporaries similarly rally behind their town walls to resist conquest by the infidels? In the absence of local sources on recruitment and social levels of the defenders, and without the supine a priori assumption of Andalusī spinelessness, commoner participation would seem plausible also there.[13]

Though it seems sensible to do so, there is no absolute necessity to postulate such popular participation. King James and other witnesses attest to a Muslim soldiery equal in status and competency to the Christian knights and townsmen-soldiers they faced. Leaders were easily at hand. James himself repeatedly admired the Muslims "of

[13] Ira M. Lapidus, *Muslim Cities in the Later Middle Ages* (Cambridge, Mass.: 1967), pp. 163-170.

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good lineage" he encountered in battle. The junior contemporary Muntaner, a resident of Valencia when he wrote his memoirs, records how James "made treaties with many [*molts*] Saracen barons in the said kingdom" of Valencia, each of whom the king made responsible "for [each] year's revenues." After the Christian conquest, the chronicle of San Juan de la Peña or of Pere III reports in mid-fourteenth century, "many Saracens holding castles in that [kingdom] remained," later rebelling.[14]

Ibn Khaldūn speaks of leadership drawn from "members of great and noble houses who are eligible for the positions of elders and leaders of a city" in the Maghrib. In connection with our period of Spain's Zayyān and Ibn Hūd, he notes the "descendants of Arab houses who had to some degree kept away from urban civilization and the cities, and were firmly rooted in military life." Ibn Khaldūn describes the turmoil in Spain after the Las Navas defeat in 1212 up to the fall of Córdoba and Valencia: "every *qā'id* and man of influence, who could command a few score of followers, or possessed a castle to retire to in case of need," took on the attributes of sovereignty, until al-Andalus "afforded the very singular aspect of as many kings as there were castellated towns." As the chronicle of Alfonso the Learned describes it: "after the death of Ibn Hūd [in 1238] the land split up among many small kings."[15]

James himself depicts a number of such leaders and supplies their names. He tells how Valencia city sent out two Muslim champions, each of whom defeated the Christian champion in knightly single combat. James describes and praises the fighting qualities of the Muslims; at Biar for example the Muslims "defended themselves very strongly, giving no ground except under force," with wounded on both sides. Similarly Desclot records how "there were many Saracen horsemen [*cavallers*] within [Valencia] city, and many crossbowmen and other men-at-arms; and every day they rallied forth to conduct pitched battles and fights" three or four times.[16]

In a minor siege near Valencia city, James tells us, the Muslims "defended themselves well and gallantly, so that no men could defend better than they defended themselves." At Valencia city they ambushed the warrior archbishop of Narbonne and at Rugat the king himself; both were close escapes. At the siege of Valencia city, Zayyān

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[14] Muntaner, *Crònica*, c. 9; on the nobiliary implications of "barons sarrahins" see Burns, *Islam under the Crusaders*, p. 309 and notes. *Crónica de San Juan de la Peña*, c. 36.

[15] Ibn Khaldūn, *Muqaddimah*, I, 335. Alfonso X, *Primera crónica*, II, c. 1037.

[16] James I, *Llibre dels feyts*, caps. 273 (champions), and 358 (Biar). Desclot, *Llibre del rei En Pere*, c. 49.

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drew up 400 horse and "about 10,000" foot, James records, to offer battle; they subsequently withdrew. At Puig, a critical point in the war, Zayyān's force of 600 horse and 11,000 foot twice pushed the Christian knights back, until cries of "Shame!" galvanized the knights into a successful counterattack.[17] At the siege of Burriana, 200 Muslims sallied out to attack the Christians' hurdles, while on the walls others wielded crossbows; later 40 men sallied with 70 more out as backup. During the long conquest the Muslims took knights prisoner, sometimes eminent knights. And James reports one battle as a decisive defeat for his forces, with high mortality. When al-Azraq revolted, the king's barons had to persuade him not to enter the mountainous areas where heavy cavalry could not operate, but to stay safely in Valencia city.

The weapon of choice among both Christians and Muslims, for siege-attack but especially for siege-defense, was the crossbow. Prototypes had existed in late Roman times, but the primacy of the siege-defense moved its more efficient medieval models to the military forefront. So terrible was its effect that the second ecumenical Lateran Council, seventy years before the birth of King James, forbade its use between Christian combatants; the crossbow's very centrality to siege-defense soon made this a dead letter. According to Ṭaybughā al-Ashrafī in his work on archery around 1368, the crossbow required very little training, had high accuracy and powerful impact, could hit the same spot with no variation or variables involved, and was peculiarly suited to defending fortresses. The hand bow, on the contrary, demanded very long training and experience, and was more suitable to open field warfare. The accounts of Muslim defenders by King James frequently call attention to the masses of crossbowmen. Before the king invaded Valencia, his counsellor Sans d'Orta warned that "you will find five or six thousand crossbowmen, with two-footed crossbows" deployed to protect Valencia city.[18] After the conquest, a

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[17] *Llibre dels feyts*, caps. 172, 174 (Burriana), 258 (Zayyān), 217-218 (Puig), 266 (Narbonne), 370 (al-Azraq), 375 (Rugat).

[18] Ibid., c. 129. For an overview of the development of the crossbow, see Paul E. Chevedden, "Artillery in Late Antiquity: Prelude to the Middle Ages," in *The Medieval City under Siege,* eds. Ivy Corfis and Michael Wolfe (Woodbridge, Eng.: 1995), pp. 131-173. W.F. Paterson provides an excellent introduction to the technical and mechanical aspects of the crossbow in his book, *A Guide to the Crossbow* (Bridlington, Eng.: 1990). Ṭaybughā's treatise on archery, *Kitāb Ghunyat al-ṭullāb fī maʿrifat ramy al-nushshāb* ("Essential Archery for Beginners"), has been translated by J.D. Latham and W.F. Paterson as *Saracen Archery: An English Version and Exposition of a Mameluke Work on Archery*, ca. *A.D. 1368* (London: 1970).

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pattern for ordinary farmer-draftees from Mudejar communities divided them equally between lancers and crossbowmen. This raises questions about the social status of such easily trained defenders and suggests that many might have been the "common" soldiers Lapidus described just above.

Whatever the abstract or objective condition of the Valencian region's Muslim military forces, they proved formidable in action against the invading Christians. King James and his knights perceived them and indeed experienced them as a match for their own armies in skills, weapons, and spirit. Every revolt in each succeeding decade put the Christian conquest in jeopardy; despite expulsion of leaders after the repression of each revolt, those Muslims remaining produced more leaders and serious military forces. Every stage of the protracted contest found the Muslim resources feebler, and their outside support less, while the Christian transformation of the now colonialized region increased. Despite the growing imbalance between the two sides, victory required repetitively new crusade-calls and crusade funds from the papacy. Even at the end of King James's reign and the beginning of his son Peter's, with both men fighting strenuously in Valencia, the diminished Muslims could still show stubborn resistance and man the walls one more time.

Postscript: Mudejar Warriors

As a postscript to the evidence for competent Muslim military action during the long Valencian conquest, it may be instructive to follow the military activity of Valencia's Mudejars after the conquests and after the subsequent revolts. In 1277 James's son King Peter the Great ordered the Valencian Mudejar communities to send armed contingents to aid the siege of the Banū ʿĪsá in Montesa. The war ended shortly, however, so army duty was commuted to an average 3,000 sous from each community plus large quantities of weapons. (Mudejars were prominent in making and marketing weapons.) Five years after James's death, Peter sent his Jewish functionary Samuel b. Manasseh on a recruiting tour of the Valencian aljamas or communities, assigning to each community contingents of lancers and crossbowmen. These military units had to be already "well equipped and well trained" and were promised "a good salary."[19]

Shortly afterwards the king of France led a papal crusade in 1285 against the realms of Aragon, the largest army assembled in the west

[19] Burns, *Islam under the Crusaders,* docs. on p. 294.

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since Roman times; and Mudejar troops from Valencia lay athwart the invasion route at Gerona. In the city were only 110 Christian knights and esquires, 2500 infantry divided between lancers and crossbowmen, and "600 Saracen crossbowmen from the kingdom of Valencia all carrying crossbows." The contemporary Desclot records that "the French feared greatly the Saracen archers, much more even than any soldiers within the city of Gerona." He retails several exploits of the Muslims here: how they blunted the main storming of the city; how one sharpshooter put a bolt through the window of a nearby church serving as a hospital, to kill simultaneously a French knight and his esquire; and how a Mudejar commando group, against orders, crept into the French camp, killed five French and Norman knights in their tent, and returned safely with thirty-eight Norman knight prisoners.[20]

The historian John Boswell, focusing on a decade in the mid-fourteenth century, was able to show the general use of Valencia's Mudejars in the war between Arago-Catalonia and Castile in some detail, a continuation of the fighting tradition seen above. "Whole populations of Valencian Muslims were commandeered by the king to defend fortresses in endangered areas." Some formed permanent elite guards at Huesca and Zarogoza. But service was no longer merely local; prior to the fifteenth century indeed, use of Mudejar troops "was widespread and unopposed" in the king's armies. They "furnished a considerable portion of the king's infantry" but also "constituted a substantial share of the royal cavalry." Among the Mudejar infantry there was a "traditional division of one-half archers [crossbowmen] and one-half lancers." As the Castilian war worsened, the draft became "wholesale" and most Valencian Muslims were "swept into the army of one side or the other." The policy at Aranda, seen in a crown order, may be representative. "All capable of acting as crossbowmen, Christians as well as Saracens," were to form a mixed militia, each archer keeping his crossbow and a hundred bolts in his home, with the entire unit practicing every Sunday after dinner as well as devoting one day each week to marching out and maneuvering.[21]

The relevance of these revelations, extending from immediately after the last Valencian revolt under James the Conqueror to the mid-fourteenth century, is their continuing evidence of Andalusī military competence in the conquest period. Left to their own resources,

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[20] Desclot, *Llibre del rei En Pere,* caps. 153, 156, 163.

[21] John Boswell, *The Royal Treasure: Muslim Communities under the Crown of Aragon in the Fourteenth Century* (New Haven: 1977), pp. 172-192.

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and with local leaders exiled after each phase of the conquest and after each revolt, hemmed in finally by the crushing of the Banū ʿĪsá leadership in 1278 and by the colonialist expedients and settlements of the Christians, Valencia's Muslims did not lose that capacity but demonstrated it in newer contexts.

Closure

Our treaties have many incidental meanings and implications—linguistic for several languages, social for two opposed cultures, and historical of course in several fields from political-military to social-cultural and economic. The treaties are a key to interpreting the handful of treaty *cartas pueblas* that survive in the Latin or Romance versions alone. They invite clarification from the megahistory of the wider Islamic world of that century. They instruct us as to how local history can stand for general, and how the general can be seen in the local.

A significant point not to be missed is how thoroughly Islamic were the Muslim communities in Valencia. These people were not partial Muslims, despite the implications of the "Mudejar" label. They proudly proclaimed their identity in these and in the few surviving Latinate treaties. Against great odds they would pass on their faith and considerably their culture despite the transforming colonialist framework. And after all their thirteenth-century revolts and later resistance had been put down, they would still muster desperate armies in early-modern times to contest their expulsion by the Spanish armies (at that time arguably the best in Europe).

Even today as millions of Muslims have settled in Europe and the United States, and continue to increase while Islam itself revives with new force, we encounter a kind of Mudejar phenomenon, neither a *dār al-Islām* nor a *dār al-ḥarb*, giving us the opportunity in our newer contexts of "negotiating cultures" ourselves.[22]

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[22] An interesting comparison of medieval Mudejar and modern Muslim immigrants in European societies is Alfonso Carmona, "Los nuevos mudéjares: la *sharīʿa* y los musulmanes en sociedades no-islámicas," in *Comunidades islámicas en Europa*, ed. Muhammad Abumalham (Madrid: 1995), pp. 49-59.

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APPENDIX

THE TREATY OF TUDMĪR

A new translation of this celebrated treaty appears above in chapter ten, done by Paul E. Chevedden from the version by Aḥmad b. ʿUmar Ibn al-Dalāʾī (1003-1085), with citation there in note 12 and explanation in the chapter's text. Two previous English translations of this treaty have been published, both of which follow the version of the agreement recorded in Abū Jaʿfar Aḥmad b.Yaḥyá al-Ḍabbī, *Kītāb bughyat al-multamis fī taʾrīkh rijāl ahl al-Andalus*, ed. Francisco Codera y Zaidín and Julián Ribera, Bibliotheca Arabico-Hispana, 3 (Madrid: 1885), p. 259. Those translations can be found in Charles Melville and Ahmad Ubaydi, eds., *Arabic Sources (711-1501)*, in Colin Smith et al., eds., *Christians and Moors in Spain*, 3 vols. (Warminster, Eng.: 1989-1992), III, 10-13, and Olivia Remie Constable, ed., *Medieval Iberia: Readings from Christian, Muslim, and Jewish Sources* (Philadelphia: 1997), pp. 37-38. A third translation from al-Ḍabbī is presented here by Chevedden for purposes of comparison:

> In the name of God, the Merciful, the Compassionate. [This is] a written agreement [*kitāb*] from ʿAbd al-ʿAzīz ibn Mūsá ibn Nusayr to Tudmīr, son of Ghabdūsh, [affirming] that he [ʿAbd al-ʿAzīz] has entered into a peace [*ṣulḥ*] whereby he [Tudmīr] shall be under the pact and protection of God, as well as under the protection of his Prophet, may God bless him and grant him peace! No [evil] shall be done to him or to his followers of any kind, nor shall he be removed from office. They [his followers] shall not be killed or taken captive, nor shall they be separated from their children and their wives. They shall not be coerced in matters of religion; their churches shall not be burned down; and their objects of worship shall not be taken from his domain. [This shall be done provided that] he [Tudmīr] acts in good faith and complies with the [following] conditions that we have imposed upon him: that he conclude a peace treaty that applies to seven cities, namely, Orihuela [*Ūrīwalah*], (Guadi) Valentilla [*Balantalah*], Alicante [*Laqant*], Mula [*Mūlah*], Cehegín [*Baqasrah*], Hellín [*Iyyih*], and Lorca [*Lūrqah*]; that he not give refuge to fugitive slaves, nor shelter any of our enemies, nor threaten those under our protection; that he not conceal information that he has acquired about our enemies; and that he and his followers pay one dinar annually, plus four bushels (*amdād*; sing. *mudd*) of wheat, four of barley, four liquid measures (*aqsāṭ*; sing. *qisṭ*) of wine, four of vinegar, two of honey, and two of oil. Slaves each pay half of that. Witnessed by ʿUthmān b. Abū ʿAbdah al-Qurashī, Ḥabīb b. Abū ʿUbaydah, Ibn Maysarah al-Fahmī, and Abū Qāʾim [*for* Abū ʿĀṣim] al-Hudhalī. Written in [the month of] Rajab 94 (April 713).

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Al-Ḥimyarī's version of the treaty is nearly identical to that of al-Ḍabbī. For comparison, see Muḥammad b. ʿAbd Allāh al-Ḥimyarī, *Ṣifat Jazīrat al-Andalus muntakhabah min kitāb al-Rawḍ al-miʿṭār fī khabar al-aqṭār wa-huwa muʿjam jughrāfī taʾrīkhī*, ed. Évariste Lévi-Provençal (Leiden: 1938), 62-63; 79 (French translation). A translation of al-Ḥimyarī's version of the treaty by Paul E. Chevedden is provided here:

> In the name of God, the Merciful, the Compassionate. [This is] a written agreement [*kitāb*] from ʿAbd al-ʿAzīz ibn Mūsá ibn Nusayr to Tudmīr, son of ʿAbdūsh, [affirming] that he [ʿAbd al-ʿAzīz] has entered into a peace [*ṣulḥ*] whereby he [Tudmīr] shall be under the pact and protection of God, as well as under the protection of his Prophet, may God bless him and grant him peace! No [evil] shall be done to him or to his followers of any kind, nor shall he be removed from office. They [his followers] shall not be killed or taken captive, nor shall they be separated from their children and their wives. They shall not be coerced in matters of religion; their churches shall not be burned down; and their objects of worship shall not be taken from his churches. This [shall be done] as long as he [Tudmīr] complies with the [following] conditions that we have imposed upon him: that he conclude a peace treaty that applies to seven cities, namely, Orihuela [*Ūrīwalah*], (Guadi) Valentilla [*Baltanah*], Alicante [*Laqant*], Mula [*Mūlah*], Villena [*Balānah*], Lorca [*Lūrqah*], and Hellín [*Iyyuh*]; that he not give refuge to fugitive slaves, nor shelter any of our enemies, nor threaten those under our protection; that he not conceal information that he has acquired about our enemies; and that he and his followers pay one dinar annually, plus four bushels (*amdād*; sing. *mudd*) of wheat, four of barley, four liquid measures (*aqsāt*; sing. *qisṭ*) of wine, four of vinegar, two of honey, and two of oil. Slaves each pay half of that. Written in [the month of] Rajab 94 (April 713).

For a discussion of the Tudmīr treaty, see Juan Bautista Vilar, *Orihuela musulmana* in his *Historia de la ciudad de Orihuela*, 3 vols. (Murcia: 1976-1977), II, 23-39; Lévi-Provençal, *Histoire de l'Espagne musulmane*, I, 31-33; ʿAbd al-Wāḥid Dhanūn Ṭāha, *The Muslim Conquest and Settlement of North Africa and Spain* (London: 1989), pp. 96-97; and Roger Collins, *The Arab Conquest of Spain, 710-797* (Oxford: 1989), pp. 39-41.

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GLOSSARY[1]

* An asterisk indicates that the word is elsewhere in this list. As in the text, a number of foreign words are removed from italics, especially proper names and words more frequently used.

ʿABBĀSIDS. English, from Arabic *al-dawlah al-ʿAbbāsīyah*. The dynasty of the Caliphs (750-1258), which ruled in Baghdad over a vast empire stretching from the Indus Valley and southern Russia in the east to Tunisia in the west.

ALBACAR/BAQQĀR. Catalan, Arabic. Walled space adjoining a fort, tower, city, or castle either to corral and protect livestock taken by Muslim authorities as taxes and to feed the city population (Epalza), or else to serve as refuge during attack for the local population (Guichard, Glick).

ALCARAZ TREATY. Surrender of the Islamic "kingdom" of MURCIA* on Valencia's southern border under Muḥammad Ibn Hūd to Alfonso X of Castile (then only prince-heir) in early March 1243, with some temporary holdouts. The Muslims surrendered their sovereignty and defense but retained their "king," administration, properties, and legal and religious systems under "vassalage." This loose protectorate revolted in 1264-1265 and was more strictly reconstructed, occasioning a Muslim embassy to protest to the pope.

ALJAMA. Castilian, Catalan, Latin; from Arabic. Each local community of Muslims or Jews subject to the Christians in Spain, in its juridical personality as a semiautonomous corporation (*universitas*). Derived from the Arabic term for such a community's administrative council. Not the physical location (*MORERIA** for MUDEJARS*). Several *morerias* could constitute a single aljama.

ALMIRRA/ALMIZRA TREATY. On 26 March 1244 at modern Camp de Mirra or Campet near Biar, James I of the realms of ARAGON* and Alfonso X of Castile (then only prince-heir) definitively settled on their respective zones of future conquest of Islamic lands around the Valencian-Murcian border. Cf. CAZOLA*, TUDELLÉN*.

ALMOGÀVERS. Catalan, from Arabic *al-mughāwir*. Infantry irregulars "who are Catalans and Aragonese and Saracens mixed" (Desclot), mercenaries who formed a significant element of the armies of the realms of ARAGON* from the thirteenth to the fifteenth centuries, noted for their ferocity and very light armament.

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[1] Prepared jointly by Burns and Chevedden. Several entries have been borrowed from the Glossary in Burns, *Jews in the Notarial Culture*, pp. 235-242.

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ALMOHADS. English, from Arabic *al-muwaḥḥidūn* ("those who proclaim God's unity"). Name given to a Berber reformist movement advocating divine unicity (*tawḥīd*) and the promulgators of this doctrine who ruled over an empire in North Africa and Spain during the twelfth and thirteenth centuries.

ALMORAVIDS. English, from Arabic *al-murābiṭūn* ("those who dwell in a hermitage or a frontier fortress"). A dynasty of Berber origin, which arose out of a religious reformist movement and ruled over North Africa and Spain from 1062 to 1147.

ALQUERIA/ALQUERÍA. Catalan, Castilian. See *QARYAH*.

AMĀN. Arabic. Protection or security by Muslim authorities or indeed any Muslim to a non-Muslim, especially to *DHIMMAH** groups. Important component of treaties, trade agreements, and passport situations. Cf. *GUIDATICUM**.

AMĪN. Arabic ("trustworthy"). A minor official of a MUDEJAR* community, who grew in influence because of his role in tax collecting and especially as liaison with the Christian overlords.

ANDALUS/AL-ANDALUS, ANDALUSĪ. English, Arabic. The name for Muslim Spain of whatever territorial extent. The ethnic form *andalusī* and the collective form *ahl al-Andalus* are derived from it.

ARAGON, KINGDOM. Warrior kingdom inland and upland from neighboring CATALONIA* and forming with it and other territorial elements the dynastically united "realms" of ARAGON*. Extending down from the Pyrenees to behind northern Valencia, the kingdom differed from Catalonia in language, money, parliament, and institutions, resembling rather its other neighbor Castile.

ARAGON, REALMS (*REGNES*) or Crown of. The congeries of dominions of the dynastic king/count who ruled his three kingdoms of ARAGON*, the Balearics, and Valencia, the sovereign county of CATALONIA*/Barcelona, various Pyrenean and transpyrenean cities and regions including PROVENCE* (whether ruled directly or by feudal claims), and eventually Sicily, Athens, and Sardinia.

BASTIDA/BASTITA. Catalan, Latin. At an offensive siege-camp or siegeworks, the complex of tamped-earth walls, entrenchments, and other devices to fashion an offensive-defensive base. More narrowly a wheeled wooden tower filled with soldiers, as a siege machine.

BATEGAT/BATEJAT. Catalan. Muslim or Jew in Catalan lands as "baptized" or converted to Christianity and thus within that legal community.

CATALONIA/CATALUNYA. English, Catalan. The Catalan-speaking counties of coastal northeastern Spain, from the Pyrenees down to Valencia, ruled by the sovereign count of Barcelona. A highly urban and maritime-commercial society, it was joined dynastically with the kingdom of ARAGON* to form together the core of the realms of ARAGON*.

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CAZOLA TREATY (not Cazorla). Arrangement signed at that frontier Castilian town on 20 March 1179 between Alfons I of Arago-Catalonia and Alfonso VIII of Castile, dividing Islamic territory into zones for future conquest by these respective kingdoms. Arago-Catalonia reserved Valencia and Játiva; Castile reserved Murcia. Cf. ALMIRRA*, TUDELLÉN*.

DHIMMAH. Arabic. The status especially of the Christians or Jews living as communities in Islamic lands. The *ahl al-dhimmah*, or "people of the covenant," lived in subordinate but semiautonomous religious societies. Though noncitizens, they had rights and duties, enjoyed juridical and personal liberty, and related to the Islamic state through their own religious officials. See also MUDEJARS*.

DORSE. English. The back or rough reverse side of a parchment charter, often containing archivists' notes.

ERA, SPANISH. Diocletian's Roman consular calendar, generalized in Spain from the sixth century and widely used in the medieval kingdom of ARAGON* proper until 1350. Beginning 38 years before the year 1 A.D., it requires the subtraction of 38 years to adjust to the corresponding date of the modern calendar. Cf. INCARNATIONAL CALENDAR*.

FAQĪH, AL-. Arabic. Theological jurist or scholar contributing to the religio-cultural jurisprudence and practical law. By MUDEJAR* times it could apply to anyone somewhat learned in koranic wisdom, of whom several might hold elected or appointed roles in local administration.

FRANCIA. Latin, English. The Frankish kingdom or northern France, before its thirteenth and fourteenth-century incorporation of the culturally and linguistically different peoples of OCCITANIA* or southern France, to form together the beginnings of modern France.

GRANADA. English, from the Arabic *Gharnāṭah.* The capital and kingdom of the Naṣrid dynasty (Banū Naṣr or Banū al-Aḥmar) which ruled from 1232 to 1492 in the extreme south of the Iberian peninsula following the collapse of the ALMOHADS*.

GUIDATICUM/GUIATGE. Latin, Catalan, from Arabic *widād.* Protective passport or safe conduct proclaimed or issued by authorities to Muslims, Christians, and Jews severally or in groups, and especially by the king in the realms of ARAGON*, from the eleventh century into Early Modern times. It evolved variously into mercantile and military forms, facilitating settlement projects, debt resolution, diplomatic convoys, asylum for felons, bankruptcy resolution, licensing, and the conferral of privileged status on students or soldiers. It had a special role in surrender treaties. Cf. *AMĀN**.

ḤAFṢID DYNASTY. Arabic. North African dynasty which broke away from the ALMOHADS and established an independent state in the eastern MAGHRIB* which ruled from 1229 to 1574 (see *IFRĪQIYAH**). The dynasty fostered close commercial relations with Angevin Sicily and Arago-Catalonia, as well as with Italian and southern French cities.

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ḤAKĪM/ALFAQUIM. Arabic, Catalan. Savant-physician, master of knowledge. Not to be confused with the *FAQĪH** or the *ḥākim* or judge.

ḤIJRAH/HEGIRA. Arabic, English. The emigration of Muḥammad from Mecca to Medina in September 622, marking the commencement of the Muslim era: *Anno Hegirae* (A.H.).

ḤIṢN. Arabic. Often translated as "castle," it covers a variety of defensive rural fortifications in *AL-ANDALUS** from a tower or walled village to a simple refuge or a castle. In one theory it is rather a jurisdiction than a construction; in another it is arranged in a network or zone. Its function in rural society is debated, with Epalza and Guichard/Glick presenting opposed interpretations. Cf. *QAṢABAH.*

IFRĪQIYAH. The Arabic name in the Middle Ages for the eastern part of the MAGHRIB*, taken from the name of the Roman province of Africa. Although its geographical extent varied over time, according to the ebb and flow of political history, it was roughly equivalent to the modern state of Tunisia. See also ḤAFṢID DYNASTY*.

INCARNATIONAL/NATIVITY CALENDARS. The main calendars in official use in the realms of ARAGON* were the Nativity, beginning on December 25 to recall Christ's birth, and the Incarnational, beginning on his presumed conception nine months previously on March 25 (Pisan Incarnational). Since the latter was thus badly out of synch with much of Europe, the realms of Aragon illogically but usefully *delayed* starting a year until March 25 of the *following* year, thus being out of synch less than three months (Florentine Incarnational). Confusingly, the Nativity calendar sometimes persisted and from 1350 replaced the Incarnational in Catalonia for royal documents (1358 in Valencia). Both calendars need adjustment to express a date in terms of our modern Gregorian-Circumcisional Calendar. Cf. ERA*, *ḤIJRAH**.

INFANT/INFANTE. Catalan, Castilian. A title in thirteenth-century Castile and the realms of ARAGON* reserved to indicate sons of the king and especially the prince-heir, despite a wider application in previous centuries and changes of primogeniture titulature in later centuries.

KĀTIB. Arabic. A private or government secretary whose duty or function entailed the writing or drafting of official letters or administrative documents.

KUNYAH. Arabic. A name compound consisting of *abū* ("father of") or *umm* ("mother of") followed by a name. The name is generally the eldest son's name, but the name of a younger son or even a daughter can be used.

LANGUEDOC. A synonym linguistically for OCCITANIA* or Mediterranean southern France roughly from the Atlantic to Italy, where the varieties of Oc were spoken. More strictly it was the western portion of that territory, excluding PROVENCE*, or simply south-central France east of Gascony.

MAGHRIB/*MAGHRIBĪ.* Arabic. North Africa, comprising Tripolitania, Tunisia, Algeria, and Morocco. The ethnic form *maghribī* designates the origin or residence of an individual as being from the Maghrib.

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MAKS (pl. *MUKŪS*). Arabic. A toll or custom duty.

MAMLŪK/MAMLUK. Arabic, English. Regime set up as a slave-military machine from 1250 to 1517, based upon Egypt and Syria. It stopped the Mongol advance in 1260 and expelled the last crusader states in 1291.

MARĪNID DYNASTY. English, from Arabic Banū Marīn. An Islamic dynasty of North Africa (1217-1465) which overthrew the ALMOHADS* in Morocco and ruled over much of the MAGHRIB* stretching to the east.

MAẒĀLIM. Arabic. This term, derived from the plural form of the word denoting an unjust or oppressive action (*maẓlimah*), refers to a non-*sharīʿah* system of justice administered by temporal authorities who directly dispensed justice.

MORERIA/MORERÍA. Catalan, Castilian. The physical Muslim quarter or neighborhood, in or just outside a Christian town, distinct from the *ALJAMA** or local Mudejar community reorganized juridically as a semiautonomous corporation. One *aljama* could include several *morerias*.

MORISCS/MORISCOS. Catalan, Castilian. From the sixteenth century, a Mudejar baptized voluntarily but more often forcibly, often retaining cultural and/or religious characteristics as an alien segment of the population. After a revolt in 1500 they were progressively expelled, especially in 1566 and 1609.

MUDEJARS. English. (Castilian *Mudéjares*, Catalan *Mudèixars* or *Sarraïns*, from Arabic *mudajjanūn* or *ahl al-dajn* for tributary people allowed to remain). It is a later medieval term for the guest communities of surrendered Muslims in Spain, incorporated as semi-autonomous parallel societies and guaranteed their religious, juridical, social, and infra-administrative systems. Analogous to the DHIMMAH* arrangements for minorities in Islam, the Mudejar constitutions date from 1085 (Toledo) and 1148 (Tortosa) as the customary surrender policy.

MUKŪS. See *MAKS*.

MULŪK AL-ṬAWĀ'IF. Arabic. Hispanised as *reyes de taifas*, this phrase refers to the rulers of petty states (sing. *ṭā'ifah*) that arose in al-Andalus in the interval between the disintegration of the Spanish UMAYYADS* early in the eleventh century and the invasions of the ALMORAVIDS* at the end of the eleventh century.

MURCIA. The coastal region of SHARQ AL-ANDALUS* below the Valencian region and above Granada. Incorporated by the Muslim conquest of Spain as Tudmīr, it later became a *ṭā'ifah* state (see *MULŪK AL-ṬAWĀ'IF**), and from 1228 to 1238 the anti-ALMOHAD* power base of Ibn Hūd. Reserved for conquest to the realms of ARAGON* by the TUDELLÉN* treaty (1151) and then to Castile by the CAZOLA* treaty (1179), it became a vassal state under Castile by the ALCARAZ* treaty (1243) but was definitively conquered for Castile with Arago-Catalan help in 1264-1266.

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NAṢRID DYNASTY. See GRANADA*.

NATIVITY CALENDAR. See INCARNATIONAL.

NOTARY. A licensed and regulated paralegal trained in the new rhetoric and Roman law elements, to draft legally binding contracts and other instruments. Successor to the less authoritative scribe at this time.

OBVERSE/MAJESTIC. The front or main design of a seal such as the Great Seal of James I, called the majestic or sovereign side, with James enthroned and crowned, holding a sword across his lap and a cruxed orb in his left hand. The "reverse" side shows him in equestrian pose with crown and lance, and with the four blood-bars of Catalonia on shield and horse.

OCCITANIA. Region of Oc-speaking Languedocians in southern France from the Atlantic to the border of Italy, with a troubadour culture cognate with that of Catalonia. FRANCIA* or Frankish northern France conquered or absorbed much of Occitania during the thirteenth and fourteenth centuries. Cf. LANGUEDOC*, PROVENCE*.

PROVENCE. The portion of OCCITANIA* between Languedoc and Italy, roughly the Rhone Valley from Marseilles up. Linguistically, Provence is a synonym for LANGUEDOC* or OCCITANIA*.

QABĀLAH (pl. *QABĀLĀT*). Arabic. A form of tenancy in which the landlord (an individual or the state) was paid a fixed rent for the lease of land. On agricultural estates, the lease-holder (*mutaqabbil*) either cultivated the land himself or sublet the land to others. Any revenue obtained from the contracted land above the fixed rent owed to the landlord was retained as profit by the *mutaqabbil*. When the land was sublet by the *mutaqabbil*, this agent acted as a tax-farmer. He collected the rents from the contracted land, paid the landlord an agreed upon fixed sum, and pocketed the difference. In Spain and the MAGHRIB* the term *qabālah* was associated with special revenues, generally of *mukūs* (cf. *MAKS**), that were collected especially in towns. The *qabālah*-tax was placed on the sale of salt, assessed on public baths, and applied as customs duties.

QĀḌĪ. Arabic. The main judge in an Islamic or MUDEJAR* community, especially of questions allied with religion, including testaments. The Mudejar *qāḍī* in each locality was appointed by the king or elected and was salaried by the crown.

QĀ'ID. Arabic ("leader"). A military administrator or commander in charge of a fortress. In the MUDEJAR* community a local civil governor.

QARYAH/ALQUERIA. Arabic, Catalan. A village, town, settlement, or similar rural nucleus of population, with its surrounding farmland, dependent upon the cities and complementary with them, often with absentee landowners controlling agricultural wealth (Epalza); or else collective tribal communes, especially Berber, exploited by the cities as tributary (Guichard). With its *ḤIṢN** the basic unit of rural settlement, as a tribal collective (Glick). For the debate see chap. 2. Cf. *RAFAL**.

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QAṢABAH. Arabic. A term used especially in the Muslim West where it designates an urban fortress or citadel. It is analogous to the term *qalʿah*, used in the Muslim East for a citadel. Cf. *ḤIṢN** for rural counterpart.

RAFAL/RAHAL/RAAL/REAL. Catalan deformations of Arabic *raḥl*, Hispano-Arabic *raḥal*, and on occasion other Arabic words. *Re(i)al* can be a "royal" property, but also a garden farm from Arabic *riyāḍ*. Guichard sees the *rafal* as a proprietor's private estate, as against the more common communal *QARYAH**; Rubiera disentangles the various meanings but sees it especially as property related to stockraising, particularly the sheep industry.

REGISTERS, ROYAL. Crown notaries in the thirteenth-century realms of ARAGON* filed in paper copy a co-original for many of the thousands of charters drafted by the chancery, especially from the late 1250s. These were entered in abbreviated form and with legal authenticity, several to a folio in an ongoing record of the administrative output.

REPARTIMENT/REPARTIMIENTO. Catalan, Castilian. In the thirteenth-century conquest of Islamic Spanish cities and their environs, the Muslim lands and buildings were individually divided and distributed among the victors, both before and after each conquest, by a successively revised process, supervised by a corps of surveyors and distributors. From the codex or register of such properties, listed and identified, each beneficiary could receive a more formal charter.

RICO (H)OMBRE/RIC HOM(E). Aragonese and Castilian; Catalan. In the kingdom of ARAGON* proper, the highest hereditary rank of feudal nobility from 1162, part of the king's council and above mere knights or *infanzones*, and especially the twelve families or lineages "by nature." In Catalan lands the corresponding *magnats* also borrowed the term, as more widely applied in their nobiliary scheme but still above the knights and *hòmens de paratge.*

ṢĀḤIB AL-MADĪNAH. Arabic, Catalan *salmedina.* The city prefect in Islamic Spain whose duties comprised the maintenance of public order, the rendering of justice, the levying of taxes, and even the leadership of armies. The 1252 Játiva charter stipulated that the *ṣāḥib al-madīnah* was to adjudicate lawsuits brought by Christians against Muslims.

SHARĪʿAH. Arabic; Latin *exarea* or *xara.* The sacred law of Islam, derived from the Koran and the *SUNNAH** or example of the Prophet. In Christian usage, this term could refer specifically to the sacred law of Islam, or it could embrace all the laws by which a Muslim community was governed. This would encompass both the *sharīʿah* and the *MAẒĀLIM** system of justice, as supplemented and interpreted according to local social customs and values. The Latin *exarea* or *xara* is found in conjunction with *açuna* and is sometimes used interchangeably with *açuna.* Cf. *MAẒĀLIM**, *SUNNAH**.

SHARQ AL-ANDALUS. Arabic. The coastal "East" of Islamic Spain with its hinterland, roughly from Tortosa to Almería, comprising essentially the Mediterranean regions later to become the three Christian kingdoms of Valencia, MURCIA*, and the Balearics.

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SHEIKH. English, from Arabic *shaykh*. An elder. Although the primary meaning of this term was "an old man," it did not always designate a person of advanced age. In an urban context it referred to a notable of a city; in smaller towns and villages it might designate an important individual or merely the head of a household; and in a tribal context it might indicate a chieftain.

SIGNUM. English, Latin. Common twelfth and thirteenth-century design unique to a king, notary, or other to validate a charter (with or without validating seal or witness list). It was constructed by drawing a cross within a square or lozenge-rhomboid and elaborating the cross with creative design elements as a personalized monogram, placing the whole either after the word "signum" or between its two syllables. The count of Catalonia before James I used a simple cross with dots within each angle.

SOFRA/SUKHRAH. Catalan, Arabic. Islamic community service, especially provisioning a castle or fort with wood and water, as well as maintenance of town walls or fortifications, evolving in later MUDEJAR* times into other forms of supply or personal labor service to one's landlord.

SUNNAH. Arabic, Latin *açuna*; Catalan *sun(n)a*. An exemplary model or norm of conduct. In Islamic law it refers to the normative practice of the Prophet Muḥammad, one of the sources of the *SHARĪʿAH**. In Christian usage, this term could refer to the sacred law of Islam, the *sharīʿah*, or it could embrace all the laws by which a Muslim community was governed: the *sharīʿah* and the *MAẔĀLIM** system of justice, as supplemented and interpreted according to local social customs and values.

ṬĀʾIFAH. See *MULŪK AL-ṬAWĀʾIF*.

TUDELLÉN TREATY. Pact of 27 January 1151 reserving for future conquest by Arago-Catalonia the Muslim regions of Valencia, Denia, and Murcia, all to be held under vassalage to Castile. Cf. CAZOLA*, ALMIRRA*.

TUDMĪR. See MURCIA*.

TUNISIA. See *IFRĪQIYAH**.

UMAYYADS. English, from Arabic Banū Umayyah. The first Islamic dynasty, with its capital at Damascus (661-750). After the overthrow of the Umayyads by the ʿABBĀSIDS*, one of the few survivors to have escaped slaughter, ʿAbd al-Raḥmān I, founded the Umayyad amirate (later caliphate) in Spain. Following a glorious period during the tenth century, the Umayyad caliphate fell apart early in the eleventh century.

VIZIER/*WAẔĪR/ALGUATẔIR*. English, Arabic, Catalan. A high minister of state in the Near East at this period; in the MAGHRIB* the title was awarded indiscriminately as a devalued honorific without specific office, held by a governor, courtier, general, or minor official. Both al-Azraq and his nephew-successor so styled themselves. The Mudejar surrender charters of Tudela and Tortosa spoke of "[all] those viziers."

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WĀLĪ. Arabic. In the context of the ALMOHAD* empire, a governor. In this book the *sayyid* or prince of the Almohad blood who ruled SHARQ AL-ANDALUS* first as governor and later as de facto sovereign authority.

ZĪRID DYNASTY. English, from Arabic *Zīrī*. A Berber dynasty of the central and eastern MAGHRIB* that rose to power during the last half of the tenth century and was swept away by the Norman and then ALMOHAD* conquest in the middle of the twelfth century. A branch of the Zīrid family founded a *ṬĀ'IFAH** in GRANADA* which ruled from 1013 to the Almohad conquest in 1090.

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